

Legal insights from UN Special Procedures on the responsibilities and the path forward following Israel's non-compliance

with the ICJ Advisory Opinion and
UNGA Resolution to end its
occupation of Palestine

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Introduction



Introduction

On 19 July 2024, the International Court of Justice (ICJ) issued one of its most consequential [Advisory Opinions](#) in decades, declaring Israel's occupation of the Occupied Palestinian Territory illegal under international law. In unequivocal terms, the Court held that the occupation breaches peremptory norms of international law (*jus cogens*), including the Palestinian people's right to self-determination, the prohibition on the acquisition of territory by force and the prohibition of racial segregation and apartheid. The ICJ called for the occupation to end "as rapidly as possible" and set out a range of legal consequences for Israel, third States and international organisations. These include the obligation not to recognise the illegal situation, not to render aid or assistance in maintaining it, and to adopt effective accountability measures against those responsible.

Two months later, on 18 September 2024, the UN General Assembly (UNGA) endorsed the ICJ's findings and operationalised them through [Resolution A/RES/ES-10/24](#). The Resolution reinforced the binding nature of the legal obligations articulated by the Court and called on third States to ensure compliance through diplomatic, economic, and legal means. These measures range from halting trade with settlements to imposing sanctions on individuals and entities complicit in the occupation. In the Resolution, the UNGA set a 12-month deadline for Israel to bring its unlawful presence in the Occupied Palestinian Territory to an end. This deadline is set to expire on 18 September 2024.

As the deadline approaches, Israel has not only failed to take any steps toward ending its unlawful presence, but has further intensified its policies of annexation, settlement expansion and systematic violations of Palestinian rights. This escalating non-compliance poses a dual challenge: it undermines the authority of the ICJ and the credibility of the international legal order, and it entrenches a reality in which violations of *jus cogens* norms are met with impunity. The consequences extend beyond Palestine, striking at the heart of the rules-based international system. If the obligations articulated by the Court and endorsed by the UNGA are unenforced, this risks normalising widespread disregard for international law.

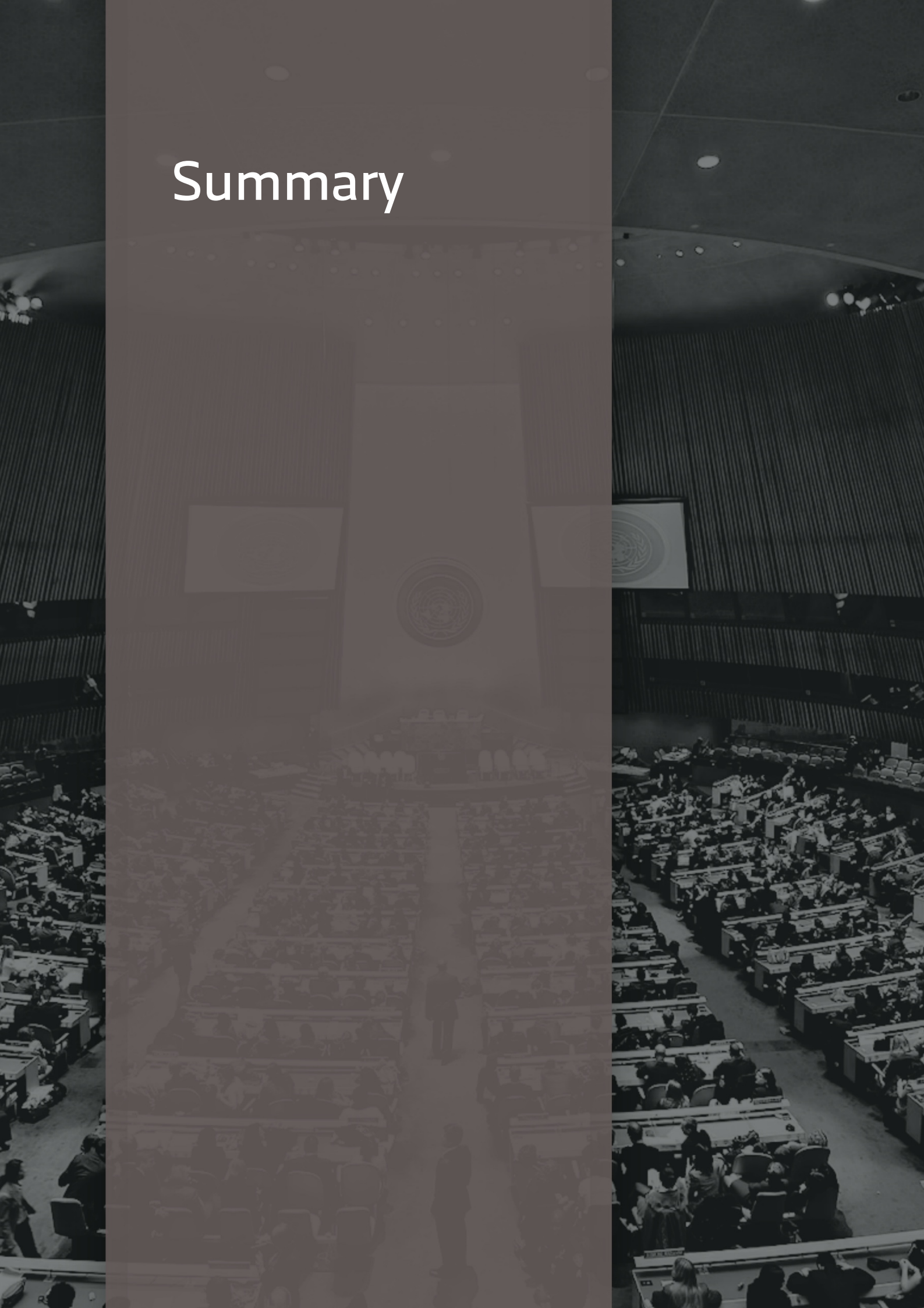
In this fraught moment, the role of the UN's Special Procedures takes on heightened importance. These independent experts, appointed by the Human Rights Council, have a mandate to monitor, investigate and recommend actions on a wide range of human rights issues, including those arising in the Occupied Palestinian Territory. Their perspectives provide a unique insight into the operational challenges and opportunities for implementing the ICJ's conclusions. They also bridge the gap between legal pronouncements and practical policy

steps, offering governments, the UN, and civil society guidance on how to translate international obligations into concrete action.

This paper seeks to harness their expertise. Drawing on in-depth interviews with Special Rapporteurs and Independent experts whose mandates are directly or thematically relevant to the situation in the Occupied Palestinian Territory, it examines the legal consequences of Israel's non-compliance, clarifies the obligations of States and international actors, and identifies immediate, actionable measures to advance accountability and the protection of Palestinian rights. By synthesising these expert insights, the paper offers a roadmap for fulfilling the duties of non-recognition, non-assistance, and accountability—obligations which are neither optional nor symbolic, but binding under international law.

At stake is not only the question of Palestine, but the integrity of a system of law that aspires to constrain the actions of States in the interests of justice and human dignity. The ICJ's Advisory Opinion, the UNGA's Resolution and the obligations they reaffirm, represent a legal and moral test for the international community. Passing this test requires more than rhetorical support for international law; it demands that States and institutions act decisively to uphold its most fundamental norms.

Summary



Summary

17 September 2025 marks the end of the 12-month period established by UN General Assembly [Resolution A/ Res/ES-10/24](#), reaffirming the findings of the [ICJ Advisory Opinion of July 2024](#) and calling upon States to take concrete measures to comply with their legal obligations. Frequently characterised as the “eyes and ears” of the Human Rights Council, the Special Procedures play a crucial role in monitoring, reporting and recommending actions related to human rights violations in the Occupied Palestinian Territory.

In August and September 2025, the Independent Commission for Human Rights in Palestine and Law for Palestine conducted interviews with seven UN Special Procedures mandate holders whose mandates are relevant to Palestine and related thematic issues. These interviews aimed to draw on the expertise and insights of mandate holders to assess the implications of Israel’s failure to comply with the ICJ Advisory Opinion and UNGA’s 12-month deadline, as well as to explore the responsibilities and obligations of States, the UN, and civil society actors.

This executive summary outlines some of the key themes and recurring points that emerged during the interviews, alongside a brief summary of each conversation.

There was broad agreement among all interviewed Special Procedures mandate holders that:

- The ICJ Advisory Opinion reinforces the position of mandate holders regarding the applicability of international human rights law to the Occupied Palestinian Territory.
- Third States have legal obligations under international law to take concrete actions in the face of Israel’s genocidal violence and unlawful occupation.

The legal consequences of Israel’s unlawful presence in the Occupied Palestinian Territory remain unchanged and Israel’s continued defiance of the ICJ Advisory Opinion and UNGA Resolution has sparked serious concern among mandate holders for the future of the international legal system. For Special Rapporteur Rajagopal, it has called into question “the chance for the rule of law to survive at the global level.” Special Rapporteur Alsalem warned that the failure to meet the 12-month deadline sets a worrying precedent and further erodes the rules-based international order. The core challenge identified by Special Rapporteur Shaheed is confronting and overcoming the widespread disregard for international law and for international bodies, including the Special Procedures, treaty bodies, ICJ, ICC, and UN Commissions of Inquiry. Furthermore, the failure of third States to respect and comply with

their obligations under international law following the ICJ Advisory Opinion has, as stressed by Special Rapporteur Alsalem, highlighted the need for repercussions for third States.

The lack of concrete action taken by third States was repeatedly raised by mandate holders as inadequate and disappointing. Not only have negligible measures been taken against Israel, but States have also continued to actively aid Israel's illegal occupation and genocide through the export of military equipment to Israel and by maintaining other forms of bilateral and multilateral relations. As called for by Special Rapporteur Albanese, States must discuss and decide how to sever ties with Israel, its economy and army, and to create a new multilateralism free from colonial legacies and practices. The mandate holders identified sanctions, reviews of trade agreements and ceasefires as necessary measures for States to take moving forward.

“A major bullet in the heart of international law”

UN Special Rapporteur in the field of cultural rights, Alexandra Xanthaki

The actions of the Hague Group and the measures adopted by thirteen States following the group's emergency conference in July 2025 were welcomed by several mandate holders as a promising start. For Special Rapporteur Xanthaki, this reflects a shift in global focus towards new allies, particularly in the Global South, as western States fail to uphold international human rights standards. However, Special Rapporteur Fakhri underscored the need for action beyond rhetoric and expressed apprehension about the potentially performative nature of these initiatives. Independent Expert Katrougalos articulated similar efforts being made at regional levels to drive change on the basis of human rights principles. While many mandate holders affirmed the importance of recognising Palestinian statehood, there was strong consensus that recognition is not enough. For many States, discussions around recognising Palestinian statehood come too late, and at a time when they risk diverting attention from the urgent need for concrete measures to stop Israel's violations of international law - including the suspension of economic, military, and political ties with Israel.

There was a broad consensus amongst the mandate holders that political barriers posed the primary challenge to States implementing concrete measures. The entrenched opposition of the United States to any measure that might lead to an end of the occupation was pointed to by Special Rapporteur Rajagopal as one such barrier. Special Rapporteurs Fakhri and Albanese both separately considered how racism has underpinned the responses of many Western States, both in terms of a frustratingly persistent belief that Palestinian lives are worth less

than others and in the racist basis inherent in Western politics and systems more generally. The lingering impact of colonialism appears to have also restrained the Global South from taking bolder collective action, and Special Rapporteur Albanese calls on the Global South “to be free from fear and to be courageous in its actions.”

Special Rapporteur Albanese emphasised that Israel’s impunity is deeply intertwined with its economic and military partnerships. She stated, “economic neoliberalism has created a web of entanglement which makes it difficult to cut ties, not just politically but also economically”. This web extends beyond States and encompasses economic relations with private corporations that have not only tolerated Israel’s crimes but have contributed to and normalised them. Independent Expert Katrougalos highlighted the role and responsibility of corporations as one of the central issues in the emerging new multipolar world, and several mandate holders were in agreement that addressing the role of corporate entities was imperative to ending the occupation.

**“Economic neoliberalism has created a web of entanglement
which makes it difficult to cut ties, not just politically but also
economically”**

*UN Special Rapporteur on the situation of human rights in the Palestinian
Territory occupied since 1967, Francesca Albanese*

On the other hand, mandate holders were encouraged by what Special Rapporteur Alsalem referred to as an “unprecedented level of mobilisation” of individuals and civil society. Special Rapporteurs Fakhri and Alsalem observed how international law is being enforced by popular mobilisation, for example through the efforts of individuals and grassroots initiatives to use universal jurisdiction in domestic criminal cases and to put pressure on businesses involved in the occupation. As awareness of the crimes against the Palestinian people spreads, individuals are becoming more alert to the need to use their voices to influence governments and institutions. Whilst recognising that society will not be able to move to an “apartheid-free life overnight”, Special Rapporteur Albanese encourages people to see the power in taking small steps: “They have the power to say “no” to “Made in Israel” in their shops, on their shelves, in their universities, in their workplace, at home.” These small actions can collectively build a powerful movement. Special Rapporteur Albanese called for civil society networks and organisations such as the Boycott, Divestment, Sanctions (BDS) Movement and Amnesty International to step into this growing space to provide direction and fully harness the

potential of mass mobilisation to pressure governments and institutions to take measures against Israel. The importance of protecting and internationalising civil society movements, especially in the face of suppression in many States, was emphasised by both Independent Expert Katrougalos and Special Rapporteur Shaheed.

As independent experts, the Special Procedures hold a significant and unique position in the UN landscape, which was described by Independent Expert Katrougalos as “an interface between the statehood that forms the basic element of the UN and civil society.” The tireless efforts of the mandate holders, both individually and collectively, to engage with and reinforce the determinations of the Advisory Opinion has brought to the fore the crucial role they play in upholding international law and advocating for justice. Special Rapporteur Albanese highlighted the importance of the Special Procedures working together and approaching the matter holistically, rather than in isolation, which risks the further fragmentation of international law and the weakening of the protection it offers. Independent Expert Katrougalos further noted the important role of the Special Procedures in helping to mobilise States, such as in the case of the Hague Group.

Nevertheless, the mandate holders discussed the deepening challenges for the Special Procedures, particularly the lack of financial and institutional support. Special Rapporteur Shaheed expressed frustration over the Human Rights Council’s insufficient follow-up and action regarding their work. She underscored the limited capacity of the Special Procedures, noting that their primary tool is simply their voice. The interviews made clear that many mandate holders have been actively using this voice to seek action from States and the UN, by writing reports, letters of allegations, statements and engaging bilaterally with States. Several mandate holders also pointed to the lack of support and protection from the UN system. Special Rapporteur Xanthaki called for more support from the Human Rights Council and States, noting that the Council appoints the Special Procedures to be their “eyes and ears”. Notably, multiple mandate holders identified the sanctions imposed by the US on Special Rapporteur Francesca Albanese as both unprecedented and a serious attack on the Special Procedures. Special Rapporteur Shaheed urged the UN to consider taking measures to protect Special Procedures and other independent experts working on human rights to ensure they can continue their work.

Interview summary

Francesca Albanese, Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, highlighted the need for the ICJ Advisory Opinion to be read in the context of international law generally, under which third States have always had a myriad of responsibilities to not in any way aid or assist in the commission of an internationally wrongful act. Fulfilment of this obligation has only become more urgent in light of Israel's non-compliance and escalation of violence in the Occupied Palestinian Territory. Special Rapporteur Albanese also called on individuals, societies, organisations and States to see what Palestine is revealing to us: that we are all tangled in a system that makes us directly complicit, and we must take action to disentangle ourselves without collapsing the international system itself. "Palestine is showing us the way to liberate ourselves as individuals and as societies."

Balakrishnan Rajagopal, Special Rapporteur on the right to adequate housing, explained how the nature of Israel's presence and its expansion of illegal settlements place housing and land at the centre of the issue of occupation. He described housing as the "anchor" for the realisation of other human rights, including food, water, sanitation and health, and highlights its connection to civil and political rights. Special Rapporteur Rajagopal also expressed disappointment at the lack of progress in establishing a register of damages, which will be essential to repairing and rebuilding Palestine. He conceptualises the mass destruction of housing and homes as 'domicide', which has the potential to constitute an international crime. Building on this concept, he calls for a rethinking of the narrative of legitimacy in relation to the targeting of housing and infrastructure in military planning; both the international legal framework and social mindset must change to recognise the severity of 'domicide'. The Special Rapporteur highlighted the lack of collective and meaningful action from third States both individually and collectively through the UN General Assembly, calling on States to pay attention to historical precedents for collective actions, such as the unseating of South Africa in response to its apartheid regime. Whilst States continue to perform "hand-wringing and ritualistic condemnation", the Special Rapporteur noted the unprecedented scale of mass mobilisation against genocide and to end the occupation, including in western States.

Michael Fakhri, Special Rapporteur on the right to food, considers the ICJ's use of language in its Advisory Opinion and draws several conclusions: the ICJ uses human rights terminology to frame the issue of occupation in the context of the Palestinian people's right to self-determination; it appears to recognise that Israel is looking to permanently annex the Occupied Palestinian Territory; and most importantly, it calls for "reparations" and therefore calls for justice. Special Rapporteur Fakhri has urged the General Assembly to call on

peacekeepers to accompany humanitarian convoys, which in turn could galvanise the UN system into action. Identifying the vulnerability of the Palestinian people to starvation and genocide, Special Rapporteur Fakhri has also called for reparations to be conceptualised more broadly, to focus not only on getting rid of the occupation and making reparations to the people but also eliminating said vulnerability by realising the rights to food, water, health and housing. The way forward, as envisioned by the Special Rapporteur, is through popular mobilisation and translating social power and legal victories into political change. How the UN system and international legal system respond will create the new world order for the future.

“You can't talk about Israeli occupation without understanding how Israel uses the food system as part of its occupation and displacement of Palestinian people, how the issue of taking land connects to food, and then how Israel always uses hunger as a weapon.”

UN Special Rapporteur on the right to food, Michael Fakhri

Alexandra Xanthaki, the UN Special Rapporteur on cultural rights, highlights the cultural dimension of the right to self-determination, expressing deep concern over the widespread destruction and damage to both tangible and intangible cultural heritage across the Occupied Palestinian Territory. She also denounces the escalating attacks and reprisals against Palestinian artists, cultural workers, and defenders of cultural rights. The Special Rapporteur urges third States to reject the Israeli government's use of cultural heritage as a tool to leverage territorial claims and warns against the systematic erasure of Palestinian identity and collective memory. This process, she argues, constitutes a form of ethnocide, resulting in the "irreversible destruction of the ways of life of the Palestinian people." Xanthaki further stresses that both Israel and other States have contributed to the erosion and delegitimisation of international law, with far-reaching consequences for the global respect of international human rights norms.

Farida Shaheed, Special Rapporteur on the right to education, observed the ICJ Advisory Opinion's role in affirming the applicability of international human rights law to the Occupied Palestinian Territory. She urged third States to take concrete action, including halting arms transfer and supporting Palestinian institutions. The Special Rapporteur called on Israel to respect Palestinians' right to education, noting the targeting of schools and higher educational institutions in the West Bank, including East Jerusalem, and the complete destruction of the

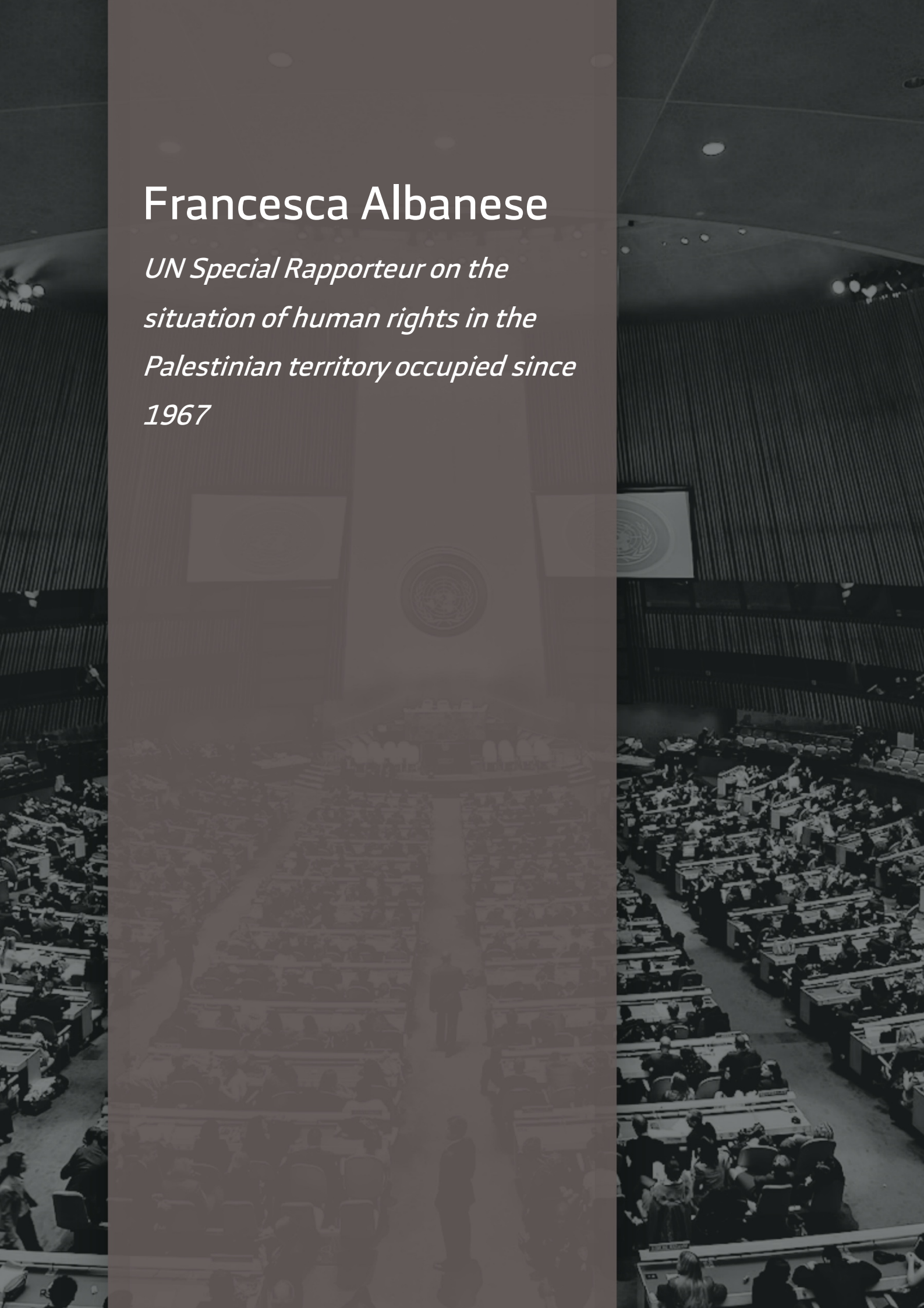
educational system in Gaza, which she has called 'scholasticide'. She also expressed deep concern over the chilling effect caused by the widespread silencing of pro-Palestinian solidarity in academic institutions worldwide.

Reem Alsalem, Special Rapporteur on violence against women and girls, is disappointed by the way the ICJ Advisory Opinion overlooks the distinct ways in which women and girls are affected by Israel's occupation and apartheid, especially regarding family life, freedom of movement, access to health including reproductive health rights and vulnerability to violence. The treatment of Palestinian women mirrors patterns of reproductive and collective violence that has been historically inflicted on Indigenous women across the world by colonial and neocolonial powers and actors that continue today, used as a tool to uproot communities from their land, destroy their cohesion and destroy them as a group. The silence of States on the crimes that Palestinian women and girls experience has exposed serious double standards, which the Special Rapporteur describes as "outrageous", the consequences of which are already being felt in other crises. The Special Rapporteur urged all individuals, organisations and governments who profess themselves to be feminist and advocate for upholding human rights to come out clearly in condemnation of the heinous crimes being committed by Israel against Palestinian women. Failure to do so puts the final nails in the coffin of international law and destroys the protection that women and girls enjoy all over the world, whether in times of war or peace.

George Katrougalos, UN Independent Expert on the promotion of a democratic and equitable international order, warns that the future of the international legal order is being put at risk by double standards and a neglect of international norms. Given the lack of enforcement mechanisms at the international level, States need to be creative in how they implement and uphold international law at the domestic level. By placing these challenges in context, Independent Expert Katrougalos shows how law is only one of the factors which determine international relations and the balance of power, and political weight and the mobilisation of public opinion are even more important; the need to protect and encourage the globalisation of civil society is therefore clear. Katrougalos also identifies the growing role of private companies, some of which surpass small or medium-sized States in their influence on the global playing field, which he explains leads us to the obvious conclusion of the need to extrapolate responsibility to them and to have a system that allows us to do this. The ICJ Advisory Opinion should be used not just at the legal level, but to demonstrate the injustice of what is happening in Palestine and mobilise people.

Francesca Albanese

*UN Special Rapporteur on the
situation of human rights in the
Palestinian territory occupied since
1967*



Interview with Francesca Albanese, UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

29 August 2025

Francesca Albanese is a legal scholar and human rights advocate, serving since 2022 as the UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967. She has a background in refugee law and international migration, and her mandate critically examines Israel's occupation of Palestine and its legal consequences.

1. What legal obligations do third States now have under international law, given Israel's failure to comply with both the ICJ's findings and UNGA Resolution A/RES/ES-10/24?

In the context of the Occupied Palestinian Territory, even staying within the border of the 1967 Occupied Territory without considering the land that Israel has taken from the Palestinians in 1947-1949, the International Court of Justice last year concluded that the occupation that Israel maintains in the West Bank, East Jerusalem and the Gaza Strip is unlawful and must be dismantled totally and unconditionally. The General Assembly said this must be done by 17th September 2025, so Israel was given a generous deadline of one year to comply.

In the face of something which is as structural as the legality of Israel's occupation, to be dismantled totally and unconditionally means withdrawal of the troops, dismantlement of the settlements, the end of exploitation of Palestinian resources, and positive obligations to allow the Palestinians who have been forcibly displaced from the areas in the past 57 years to return, and to offer compensation to the Palestinians for the harm and damage caused. This is what Israel should be doing, and it was given one year to do it, until September this year.

Because Israel is not acting, the responsibility of third States kicks in. There is something in international law called the law of state responsibility, which, to be very clear, was already applicable before the Advisory Opinion. Israel has been committing international crimes, like building settlements and forcibly displacing the Palestinians, which, if widespread and systematic, constitute a crime against humanity. Now, Israel is committing genocide, and it has committed the crime against humanity of apartheid. This is all well documented. Therefore, it is not that the obligations of the other States kick in after the ICJ rendered its Advisory Opinion; the law of state responsibility always applied.

However, at this moment, what does the law of State responsibility that is referred to by the ICJ Advisory Opinion say? The first obligation is not to aid and assist in the commission of an

internationally wrongful act. This means not to aid and assist in anything that could facilitate the maintenance of the occupation. States must also not recognise as legal the consequences of the occupation, which means not entertaining any kind of activity that might normalise the illegality of occupation. This implies that States must also not trade, not sell and not buy anything that might affect the legality of occupation, but rather, the contrary; there should be conduct that leads to the cessation of the occupation, which is an internationally wrongful act. This is the minimum.

However, we cannot read the ICJ Advisory Opinion in a decontextualised fashion because there are other proceedings ongoing right now. Israel has, as a State and through its officers and officials, been brought before to the two highest international courts: the International Court of Justice and the International Criminal Court. In the ICJ, there are two proceedings for genocide, one against Germany and one against Israel. Israel is accused of genocide.

The International Court of Justice has recognised on an urgent basis the risk of genocide. This should have triggered a number of responsibilities, which are to prevent acts of genocide. There is jurisprudence in the ICJ, in the case of *Bosnia versus Serbia*, that Member States have to take all actions in their sphere of competence, within their capabilities, that might lead to the cessation of the acts that might constitute a genocide.

What are the measures that Member States have taken, to stop and to prevent the genocide? There seems to be confusion or intentional confusion or wilful blindness. There are Member States who are saying that there is no judicial conclusion that it is genocide. This does not matter. Those States would be right if the Convention was only about the punishment of the crime of genocide, but it is also about the prevention. How can you prevent the genocide if you have to wait for years for a trial to take place and to give due guarantees of a fair trial to everyone? It makes no sense. Therefore, the ICJ Advisory Opinion must be read in context of the obligation to prevent, which entails other obligations. This strengthens what the ICJ Advisory Opinion has said: not to aid and assist, not to trade, to take actions that will lead to the cessation of the act, not to sell weapons, not to buy weapons, not to transfer weapons, not to give military aid, and curtail that powerful artery that allows Israel to commit the crimes that it is committing.

Israel could not commit this genocide on its own. There is a passage from the ICJ in the *Nicaragua versus Germany* case on genocide that refers to the obligation of States not to transfer weapons and not to transfer arms to States who might be committing violations of international humanitarian law. Therefore, without even looking to the Genocide Convention,

Israel is clearly committing war crimes and crimes against humanity every day. This creates an obligation on Member States.

There is also the last element: there are two officials who are wanted by the ICC for war crimes and crimes against humanity, one of whom is the Prime Minister of Israel.

The inaction of Member States in the face of the genocidal violence that has been unleashed against Gaza creates a veneer of complicity around many Member States, not just for the political role they are playing and the diplomatic measures they are not taking, but also for the substantial support that they continue to give to Israel.

2. What legal or political barriers exist which are preventing third States from implementing such measures that they should be taking?

I do not think that there are societal barriers. I believe that the impunity that has been granted to Israel over decades needs to be unpacked. I have unpacked the economy of the occupation, which has created the conditions to develop an economy of genocide. The tolerance of Israel's crimes goes hand in hand with building economic partnerships and military partnerships. This means that for Member States as much as for businesses it is difficult to disentangle themselves from the unlawfulness of the occupation.

However, it is not just that they have tolerated it; they have contributed to it, and they have normalised it. Now that the occupation has turned genocidal, it is very difficult to disentangle themselves from that as well. Therefore, you have Member States who are actively contributing and actively partaking in the genocide and occupation with their military presence, mercenary presence, with political, military, financial aid, etc. Then, there are Member States who do not know how to disentangle themselves because the system is quite intricate. However, it does not take intelligence to cut ties, it takes courage to do the right thing. It takes courage to do the right thing vis-a-vis national constituencies where pro-genocide and pro-apartheid pressure groups are very influential. Most governments are not led by courageous people.

Israel has managed to rely upon its own supporters. The Israeli embassies have served as the avant-garde of Israel's interests. However, there is also an ideological basis in various countries, especially in the West which mostly stands in solidarity with Israel. There is a racist basis which is inherent in Western politics. It is the same basis and politics which wants to let migrants and refugees die in the Mediterranean Sea or be separated outside a border in Mexico. The same thing applies with this politics of fortress enclosure, looking at Australia as

well. Western countries are operating using the same models. I think there is a mix of built-in systems and ideology.

Also, as my last report has proved, economic neoliberalism has created webs of entanglement which make it difficult to cut ties, not just politically but also economically. To give you an example which is very personal, I was sanctioned by the United States. Technically, I am banned from entering the United States and I am also sanctioned economically. My assets, anything I have in the US is frozen, and I cannot open a bank account in the US. This is where I used to live, so this is where I used to have my bank account. Because of the sanctions, I cannot open a bank account anywhere right now. Everywhere I try, there are secondary sanctions that banks risk incurring because of being connected to the American banking system. Wherever you turn, you are not free.

This is why I often think, change must come from awakening. Gaza, in this sense, is extremely revelatory. The word apocalypse does not only mean destruction, it comes from "*apocalypsis*", which means beyond what is seen, it means revelation. Gaza today is revealing, and Palestine in general is revealing, who we are as individuals, as societies, as States, as countries. We need to do the right thing. We need to disentangle from a system that makes us directly complicit. However, in order to do that, we need to see where the problem is.

3. We have the General Assembly and majority of Member States endorsing such resolutions and supporting Palestine, but there is a lack of action being taken. Do you believe that the issue lies in the existence of the legal basis and political will, or rather in the implementation and lack of clarity of States at the national level?

I do not think that the problem is with international law per se. The problem is with the political will, which is faltering. At the UN level, you have resolutions that are very clear. This reflects the position of Member States. The point is that this brings us back to the realpolitik, that eventually, it is only practical unity in antithesis to this system as it is dominated by the United States and Israel. People say Israel is controlling the United States, but I think it is not. Israel is a tool and has historically always been a tool of US imperialism in the Middle East. Of course, Israel has its own history and reasons and huge, huge problems, now more than ever.

However, there are Member States who really want to do the right thing. Think of the members of the Hague Group who have committed to cut ties with Israel, with the Israeli economy and army. Then the problem is, again, how do you disentangle yourself? This is the discussion that should take place. How do we undo this system without destroying the system itself? How do we make multilateralism a truly, genuinely, honestly, and consistently democratic space

instead of a space to continue to advance colonial mindset and logic and modus operandi? This is difficult because on top of the fact that there is a lack of leadership, including multilaterally, I see weakness everywhere. I see some political leaders trying to do the right thing, but I do not see anyone really standing in the face of injustice with a straight head and a straight back and saying, together we can do that.

But we need to stop, sit and talk about what is needed now. We need to create these coalescing new forces for a new multilateralism that can be inspired not just by Western values, but by African values, South-East Asian values, Arab values, Mediterranean values; there is so much good in the world. We tend to focus only on the negative outside of the West and only on the positive inside the West. This is an opportunity to become better, but there is a need for leadership.

The other problem is that there is a need to eliminate distractions. I see Member States instead of now taking on the responsibilities arising from the genocide and fierce ongoing annexation, are talking about whether to take a decision in a few months about recognising the State of Palestine. Let me be clear: the recognition of the State of Palestine should have happened soon after 1988, when the Palestine Liberation Organization (PLO) declared the existence of the State of Palestine wherever it is; not wherever it is in an island, but wherever it is in what the PLO meant back then. They tried to liberate the entirety of Palestine, and they tried to propose one democratic state. Then they accepted having a State in the 22% that remained. Why can Member States not just recognise the State as this? Why do they have to engage in this fanfare and say that they will have this discussion in September? They distract the attention away from the measures that have to be taken. I find this really offensive, offensive in light of how many lives have been taken every day in Gaza and the rest of the Occupied Palestinian Territory. We shall not forget the West Bank or East Jerusalem, but the situation there is of course better than in Gaza, but only marginally and not in the long run.

4. In light of the globalisation of economy and the entanglement of States, how much of a roadblock is the United States in making progress and which other Member States can we really look to, to stand up to the United States?

I am writing a report that focuses primarily on what Member States have done to comply with the ICJ Advisory Opinion, read in context with other legal developments and international law. I think that there are some Member States who are clearly complicit, and this will be discussed in my report. This is not just Israel's genocide. This is a genocide that is not just enabled but is run and committed in cooperation with a few States, and they are Western States. Then there

are other States that are clearly enabling the genocide and occupation through their actions and their omissions. Their lack of compliance with international law has enabled the situation as it is. Now, they are continuing to waste time with political discussions that are not now useful to stopping the genocide in Gaza and the annexation in the West Bank. This is mirrored by them not taking the steps needed, meaning cutting military cooperation and the transfer of arms, declaring an arms embargo and cutting economic ties.

For example, the States in Europe that are now so strongly focussed on the recognition of the state of Palestine, why do they not move within the European Union to cut the EU Association Agreement between Europe and Israel, which places the European Union as the largest trading partner of Israel? You need to take the means for committing the crime to someone who is committing crimes, in order for them to continue to commit them. This is what has been happening and this needs to be cut.

There is another group of States which appears to be uninterested, because they are not saying a thing. This is numerically significant, and it is like they are not there or not part of this world. Maybe they feel too small, maybe they feel too insignificant, but eventually it reflects upon their people. So, if you take country X, which is not saying anything about the situation, the citizens of this country should know that this is also done in their name.

There are the countries who have started to take some measures here and there, but the thing is that we need full compliance, we need one Member State which cuts economic, military, diplomatic and political ties, and then acts for justice in the international fora, in the International Court of Justice, in the International Criminal Court, at the national level, and also leads others. This effort exists a little bit with Colombia, South Africa, and with other countries. But they need to coalesce more and coalesce better to create a new force for multilateralism that might save Gaza, and with Gaza, all of us, because it is really incredible how dark the present is.

5. In light of the ICJ Advisory Opinion and the General Assembly Resolution, what implications do you see for the State of Palestine and the Palestinian government, including the Palestinian Authority? Do you think that the Resolution and Opinion require a change in approach?

The Palestinian Authority has asked for an intervention at the international level to protect the people in Palestine. In a way, this triggers and elicits a protection intervention. Could the State of Palestine do more? I think that they play an incredibly important role at the international level. Where I think that the problem lies is in the role that the State of Palestine has within

the framework of the Oslo Accords. The Oslo Accords have created the conditions that, in fact, prevent the enjoyment of Palestinian self-determination. The fact that today you have security forces that never intervene in defence of the Palestinians tells you clearly that the State is incomplete. A State cannot be deprived of its essential function to protect the people. I think that it is also time for the Palestinian Authority to undertake that internal reflection about what it means to be the representative of the Palestinian people in the face of an occupier that today is committing genocide and is taking the land. The security coordination probably should be reconsidered. I know that this is something extremely serious, but how many problems has it resolved, and how many problems has it created, for the Palestinians in the West Bank, let alone those in East Jerusalem and those in the Gaza Strip who are not even touched upon. There are choices that need to be made.

6. How can the Special Procedures better collaborate with the Human Rights Council and other UN mechanisms to promote enforcement of the Advisory Opinion and UNGA Resolution?

I think that I brought with me as a Special Rapporteur my approach to international law, which is a holistic reading of all instruments. We cannot specialise in a given body of law, forgetting all the rest. In a way, this specialisation that international lawyers have pursued has contributed to the fragmentation of the understanding, the effectiveness, the application of the international legal system, and a reduced protection for the people who are the ultimate beneficiaries of international law, individuals, human beings, civilians, etc. We should be able to apply international law holistically, and this is something I have done throughout my mandate.

I have been one of the most consistent advocates and reminders of the Advisory Opinion at the international level and in the UN. I have been going there, almost as a law enforcement agent, saying we cannot speak of the peace process as if it is a condition for the Palestinians to enjoy the right of self-determination. The right of self-determination means that there are choices that belong to the self, to the people. There can be no negotiation in perpetuity. So, we cannot invoke the two-state solution as part of the negotiation of the fundamental rights, for example.

I have been trying to infuse the language of the Advisory Opinion in every document that I, together with other Special Rapporteurs, have produced. Is it a solution in and of itself? No, because the problem is political. Today, there is a critical attempt to destroy the human rights system. I do not understand if people see it and do not care, or if they do not see it at all. There

are funds being moved from the multilateral arena to armaments, to rearming, to weapons. The moment that you build weapons, you need to use them. And all the more, this is at the expense of the human rights system that we have built, particularly over the past 40 to 50 years. We can say 80 years, but while the United Nations System and the Universal Declaration on Human Rights were created 80 years ago, the system of human rights as we have it today has been contributed to by people in the Global South, minorities and indigenous people. This system is at risk, and we will miss it very much when we do not have it anymore. Special Procedures like me are also part of this. There have been voices of reason and concrete engagement on the case of Palestine and other situations. Now, we see our means diminished and the space for impact has shrunk.

7. What is the role of international civil society, NGOs, and individual people who stand in solidarity with the Palestinian people?

I think there are two things to mention. One is that people in the street, the ordinary citizens, they have no idea of what they can do. They now know about Palestine. I do not think there is anyone who does not know about Palestine. People might have opinion without knowledge, without competence, without information, but in general, there is a sense that Palestine is on people's minds. There is a growing awareness of the crimes that the Palestinians are suffering and have been suffering like never before. Before, I had never heard of people talking about Israel as a colonial state, as an apartheid state, or talking about the Nakba. This is why I say that Palestine is also revealing, and the sacrifice in Gaza has brought back the question of Palestine as it is being eaten day by day by Israel and normalisation. Normalisation that everyone has contributed to: the United Nations, academia, other Member States and individuals. There is a general public that is awakening, but they still do not know what to do.

This is why the action of networks and organisations is needed, like the BDS, Amnesty International, other representations of the Palestinian diaspora, and increasingly, representatives of Jewish communities around the world; many Jewish people understand that this is being done in their name, exploiting their memories, their suffering, their Jewish identity. These coalitions have to form, and do exist in many places. They have to exist not just at the capital level in every country, but wherever there are Palestinian and Jewish communities, and the presence of Amnesty International, the BDS and other local organisations. There is a network of people who need to know that they have power. They have the power to say "no" to the "Made in Israel" in their shops, on their shelves, in their universities, in their workplace, at home. Then, this becomes municipality policies. We also need to be careful about the businesses that are profiting from this.

If they are involved in the illegality of the occupation, chances are that they are involved in the illegality and crimes that are committed against other people, like in Congo and in Sudan, because it is a network. Therefore, I think that this is the time to bring to justice the people who are associated with these crimes, at the government level, political level, and financial or business-related level. It should be the time of justiciability of human rights. Justice for Palestine can be created everywhere.

I imagine one day, hopefully not too long in the future, there will be the Palestine trials. People ask me, do you see that one day there will be Nuremberg trials? No, there will be the Palestine trials. It will not be the justice of the conqueror, it will be the justice of the people who want justice for Palestine. There will be judges and lawyers, and it is starting already. There are actions in Latin America, in Europe, in the US, to bring to justice dual nationals, people who have given orders to commit crimes, committed crimes as part of the army or the Israeli government. This process has started.

Businesses should be involved as well, and there is the possibility to punish businesses for their complicity. For example, Airbnb and booking.com. Are we really that married to these companies to travel? Can we find other ways to travel, to let them know that we will not use Airbnb and booking.com until and unless they divest from the Occupied Palestinian Territory?

Little by little, we need to use this mentality. We will not be able to go to an apartheid-free life overnight, but this is a process. We need to trust the process, and we need to know that we can make a change at every step.

8. What are the key elements for an effective legal roadmap towards ending the illegal occupation? What is the role of the Global South?

I think that the next step for the Global South is to be free from fear. This is real freedom. This is the next step of decolonisation.

For me, having to face and deal with States who behave like bullies is not easy, but at the same time, this is not the difficult part of my life. The difficult part of my life is continuing to live, knowing that people like me, children like my children, are enduring this under our eyes, with our complicity. This really torments me. This is why, sometimes I ask, how can people sleep? But being asleep in a moment like this, it is a sign of a lack of humanity. We need to awaken the humanity in all of us.

I read an article about Palestine which intrigued me because I was not convinced by the title, that Palestine is a feminist question. But it is true. Feminism is at the heart of the struggle against patriarchy and for emancipation. And patriarchy expresses itself at the domestic level as well as at the international level. Look at the condescending attitude that former colonial States have vis-a-vis their former colonies. There is still no mutual respect. This is why it makes sense that Palestine is feminist in the way it is fighting: it is pushing us to challenge the patriarchal structure, which is a structure of domination and infantilisation of our inner self.

We need to look at ourselves and set ourselves free from the fear of who controls us, who dominates us, what people think of us, and then assume the courage of our actions and our thoughts. I really think that change happens in every step, and Palestine is showing us the way to really liberate ourselves as individuals, and as societies, including the multilateral system.

Before, I used to be conscious of how much non-legal talk I would engage with, because this is the comfort zone that I have as a Special Rapporteur. At the same time, Gaza has really showed us the need for us to be human before professionals or anything else. If we do not feel empathy, what are we as humanity, as a collective? This is why I say today, saying “free, free, Palestine” is not different from saying “free, free, Europe”, “free, free, Americas” and “free, free, us”.

Nothing is worth what has happened. However, because it has happened, we need to make it worth it. We need to make the sacrifice of the people, each and every child, each and every doctor, and journalist, and baker, and teacher, and mother, and grandfather, we need to make the sacrifice of each and every Palestinian, worth it. Because the Palestinians are enduring a lot as a people.

We will not be able to get out of this genocide with the veneer of innocence or the pretence of innocence that we could claim two years ago. We need to be better. We need to give birth to a better world, otherwise it will be a monster. This is why I say we need a lot of feminine energy. Women who give birth know that in the most physically painful moment of their life, they have to believe, breathe through the pain and push. This is what we need to do. Push for change and see that light at the end of the tunnel, it is the only thing that can drive us out of this darkness.



Balakrishnan

Rajagopal

*UN Special Rapporteur on the
right to adequate housing*

Interview with Balakrishnan Rajagopal, UN Special Rapporteur on the right to adequate housing

8 August 2025

Balakrishnan Rajagopal is a professor at MIT specialising in law and development, and since 2020 has served as the UN Special Rapporteur on the right to adequate housing. His mandate addresses global housing crises, forced evictions, and the intersection of housing with human rights and urban policy.

1. How does this advisory opinion intersect with your specific mandate? What challenges do you foresee in integrating it into your mandate's ongoing work?

The Opinion is a historic one. It finally, emphatically, established that the occupation of Occupied Palestinian Territory by Israel is illegal, that annexation of territory by force is, of course, a grave violation of international law and that Israel cannot either explicitly or by other policies seek to achieve that goal. It also clarified that discrimination and policies of exclusion of Palestinians as a centrepiece of Israel's rule, are themselves grave violations of international law. All of these have a tremendous impact on all human rights, including the right to adequate housing.

The main issue with regards to housing and occupation is that the occupation is really about land and housing. Ultimately, if you look at the nature of occupation, it is the forcible removal of people from their own lands and homes and replacing them with settlers of Jewish origin. This, of course, is happening most aggressively in the West Bank and East Jerusalem. In Gaza, there is a different history. The core of the issue is this: the legality and the presence of Israel in Occupied Palestinian Territory, as well as the measures that Israel has taken to administer the territory, all come back to the land question and the housing question. There is no way we can think about land without housing or housing without land. Therefore, the Opinion is incredibly central to my mandate.

Particularly useful is the focus of the Opinion on the way the settlement policy proceeds by confiscation or requisitioning of land. The Israeli policies on residence permits, for example—which rarely ever come, especially in Area C—and policies on demolitions of property including housing, punitive demolitions because of lack of building permits. These are very explicit questions addressed in the Opinion, which are at the core of the housing mandate.

Although the request was submitted by the General Assembly in 2022, the Opinion came in 2024, when the war in Gaza was already ongoing and it was quite clear by early 2024 that what was happening was genocide. At the core of the act of genocide was a mass destruction of housing and homes. The whole point of doing that is to make the territory uninhabitable for the people who live there so that the territory can be essentially cleansed of the people who live there.

There is a *de novo* kind of approach to re-territorialisation, laying the groundwork for settlement and annexation. The confirmation of that comes from everything that Israel has done since then, not allowing people to even recover briefly for a month or two from the relentless bombing and destruction, making them run around in circles within the Gaza Strip. And now announcing on 7 August 2025 that, again, they are going to engage in full military occupation of Gaza, which to me translates as a plan for mass expulsion or extermination of the remaining people in Gaza.

This comes at a time when the one-year anniversary of the UN General Assembly Resolution implementing the ICJ Advisory Opinion that declared settlements to be illegal is approaching. 18 September 2025 is the deadline given by the General Assembly for ending the occupation. It is a slap in the face to the international community as a whole for Israel to be announcing, just a month before this deadline, that not only are they not withdrawing, but in fact, they are going to entrench their occupation of Gaza. And they are not withdrawing at all from the West Bank, where in fact, more settlements have been authorised in the last couple of years.

The message that Israel is sending is very clearly that no law applies to it. It is above the law and it dares the rest of the world to do what it wants. That is the way I see it. It is a struggle that defines not just the future of the Palestinians, but also the ability of the Jewish people to live safely in that region for a long time - and I hope it leads to that.

But the issues are bigger than that, the issue goes to whether or not there is going to be an international law system in which countries are governed by rules and laws as opposed to outlaws who set limits on their own behaviour. The central issue is the chance for rule of law to survive at the global level.

2. What legal obligations do third States now have under international law, given Israel's failure to comply with both the ICJ's findings and UNGA Resolution A/RES/ES-10/24?

Those are tough questions. But the first part of the question is, at least formally as a matter of law, quite easy to answer. The Court answers them quite clearly. The Court found that the

settlements are illegal and that the policies adopted by Israel to administer the settlements are illegal. Those are two separate illegalities: the very presence is illegal, but the way in which the occupation has been proceeding is illegal in a whole lot of different ways. The Court makes that very clear. Both of these illegalities impose obligations on third States, both to take actions and a duty to abstain from taking particular actions.

The negative duties are, of course, quite obvious: not to recognise in any form either explicitly or implicitly, the occupation of territory by Israel as legal. The General Assembly Resolution that followed the Advisory Opinion spells that out: for example, not recognizing diplomatically or through the drawing of maps or through engaging in trade relations or allowing your own nationals to engage in economic, social or other measures, that actually affirm Israeli sovereignty over the Occupied Palestinian Territory. All those are illegal, and third States are required to not recognise and not encourage any of that

States also have positive duties. They have positive duties to end the occupation, and to fully support the realisation of the right to self-determination of the Palestinian people, which translates into a number of duties. The duty to recognise Palestine, which I have argued for years, is a legal duty. Often recognition is misunderstood as a discretionary act on the part of States. That is actually a very outdated view of the concept of recognition under international law. For almost 70-80 years at least, it has been well recognised that recognition is not simply a sovereign discretion of a State, but that it comes with duties to recognise people as sovereign States if they have already shown evidence that they are exercising their right to self-determination. In other words, the right to self-determination and its formal enshrining as part of the UN Charter as one of, if not the core principle of the UN Charter, means that there is a legal duty to recognise. So the first is a duty to recognise affirmatively.

The second is of course, the duty to assist in ending the occupation. The General Assembly Resolution spells out a number of concrete things that have to be done. For example, it calls for a convening of the member States that are parties to the Geneva Conventions to concretely take measures for violations of the Geneva Conventions. That has not happened, unfortunately, and the central blame there goes to a State like Switzerland, which has the formal responsibility to convene States parties.

There are duties to abstain from recognizing certain consequences that flow from Israel's occupation. There are duties to take affirmative measures, both by the State in relation to itself, and by regulating the conduct of every legal person in their jurisdiction. This includes companies that are residents of their territories, and over whom the State has jurisdiction to

take action and impose control on their engagement which leads to the further entrenching of occupation. The issue is not that companies or individuals or States are asked not to engage with Israel as a State. That is not what it is about. It is about engaging with Israel in a way that actually entrenches Israel's occupation. That is what it is about.

Unfortunately, none of that has panned out either. Some States have started recognizing Palestine, including in recent weeks, as we have seen in the Western world. Some have imposed limited sanctions on individuals, which is also required on the part of third States. Others have imposed measures that prevent, for example, the importation of goods and services from Occupied Palestinian Territory. But these are still not robust enough. They haven't gone far enough. Not enough States have done it. It is still at a very early stage. Although we have reached the end of the one-year deadline, the progress has been incredibly slow. That is extremely disappointing for me as an independent expert of the UN. The UN and its member States should be really stepping up and doing a lot more, but they are not.

3. What legal or political barriers exist to implementing such measures, and how can they be overcome?

As we all know, the main barrier when it comes to taking any action to end the occupation of Palestine is the entrenched opposition of the United States to any measure that could lead to that result, that is to end the occupation. The United States has allowed itself to be a roadblock to any kind of progress in the resolution of the Palestinian question, including the ending of occupation, but also a roadblock to accountability for any of the actions that have been taken by Israel, which constitute grave violations of international law, including ongoing genocide in Gaza. The biggest barrier is, I would say, the political barrier generated by the support given by the United States, as well as many other Western countries—although in recent months, we do see a difference developing between certain Western States and the United States because of the extraordinarily damaging consequences of continued Israeli violations of international law, which can no longer be ignored by any State. Therefore, we see some changes: the recognition of Palestine is one; the decision of Germany recently, to suspend any armed shipments, which comes too little and too late, but nevertheless still important, is another. There is also enormous global popular support for ending the occupation and for accountability for all that Israel has done.

We see mass movements in one Western country after another that are quite historic, unprecedented in fact, in their scale and their intensity. It is quite obvious that while on the one hand, we have a political barrier because of the policies and practices of the United States,

global public opinion, as well as the majority opinion of most of the people in the United States, is in favour of ending the conflict and bringing about accountability to what is going on in the Occupied Palestinian Territory.

The second barrier, I would say, besides a political barrier posed by the intransigence of the United States, is the lack of initiative and the lack of collective action by the rest of the States. There is quite a lot of hand-wringing and ritualistic condemnation by States including many of the Arab States. But when it comes to actually taking measures that mean something, we find that those are extremely rare. They are very scarce, both by States in their own capacity, but also scarce action by States acting collectively. I have been questioning this for well over a year and a half now.

The fact is that they have the numbers to enable them to take meaningful action at the UN, at the General Assembly, but for whatever reason, they are not coming together and doing what is necessary. I have long proposed that countries in the UN should pay attention to some historical precedents of, say, how they dealt with apartheid South Africa, when that State proved to be intransigent and behaved as though no law applied to it.

What did the General Assembly do? Well, they unseated South Africa from the UN in 1974 and it was not seated back again until the end of apartheid in 1994. The General Assembly can do it. They have the credentials process through which action can be taken. I've pointed this out repeatedly as one possible action that can be done. To clarify, unseating a member state is not the same as expelling or suspending a member state. That is not what it is about. The call is not for Israel to be suspended or expelled from the UN, but it is to unseat it, to deny it access to the platform that it uses to do nothing but obstruct any progress for ending the occupation or for bringing about accountability. But there is no progress taken on any of these so far.

If you take other measures, the General Assembly in its Resolution that followed the Advisory Opinion called, I believe, for the establishment of a register of damages to enable Palestinians to begin the process of establishing the extent and the level of damages that has been sustained as a result of the occupation and the destruction of their homes, of their farmlands, of their properties and of their lives. But the register of damages has not been established.

I was the first to call for the register of damages two years ago and I was glad to see that it was incorporated in a report by the Special Rapporteur on the Occupied Palestinian Territory, Francesca Albanese, in 2024. It found its way into this Resolution as well. What I don't see is any concrete step taken by the UN to establish a register of damages. I'm very concerned about

how, with the enormous losses that Palestinians have suffered, it will ever be possible to repair those damages.

There will come a moment when conflict does end and there will be a moment to rebuild. The question is then, how are we going to go about doing this if we don't know who has suffered what loss? This is a central issue in the case of rebuilding in all countries where conflict destroys lives and property and homes and land and everything that is of value. In the case of Ukraine, for example, there is a register of damages, it is ongoing, and data is gathered and systematically collected as part of that. Why isn't something similar happening with regards to Palestine? And the General Assembly already called for it a year ago. This is what I mean—countries are failing collectively. I do not blame the United States for this failure. I do not blame Israel for it. I blame the rest of the world. Why are they doing so little?

A register of damages is incredibly important because if you look at the interim assessment of economic damages, there have been two reports from the World Bank. Most of the cost of rebuilding, that is the assessment of losses, is about rebuilding the housing sector. The most recent interim assessment shows over 70% of the cost of rebuilding is going to be for housing. My mandate is right at the heart of any conversation about rebuilding. It is impossible for me to imagine how this rebuilding will happen if there is not even a process to do even a preliminary assessment of who has suffered what loss. Unfortunately, that is not happening at all.

4. From the perspective of the mandate on the right to adequate housing, what are the key things that you envision should be happening now to ensure that the Palestinian people's vulnerability to a situation like this is brought to an end?

The right to food, housing, water, sanitation, health, these are the foundations on which Palestinians can actually rebuild their lives when the occupation and all that it has destroyed ends one day. We are all hoping that it ends as soon as possible. The requirements for rebuilding housing are very complicated, but at the heart of it is the first issue, which has to do with the recovery of control of Palestine over its own land. That is both a public international law question, and a private law question because housing is about both.

There cannot be housing when there is no self-determination. If you don't control your own territory, a foreign country can come and destroy your home and take over your land and then it becomes the territory of a foreign state. We see that everywhere around the world and we see it with Russia's invasion of Ukraine. What used to be Ukraine is now claimed to be part of Russia. This is what Israel is doing with the gradual encroachment, particularly through its

settlement policy. You take property, you take land that belongs to Palestine, you declare it as a nature preserve, as a green zone, as a zone required for testing weapons for the Israeli military.

They have got a number of tricks by which land is basically blocked off for Palestinians to live on, and becomes the site for the transfer of that land into homes and settlements for Jewish Israelis to live on. It is basically a slow creeping form of annexation of territory of a foreign country. It is occupation, but it is also annexation at the same time. And this is what the ICJ clearly recognises in its Advisory Opinion.

It clearly says that these kinds of policies of settlement building, of residence permit policy, of demolitions of property, are the ways in which the occupation makes itself illegal. The land issue has to be secured as a matter of public international law, which means recovery of sovereignty over lands. But secondly, it is a matter of private law as well because Palestine and Palestinians who live there have relied on private property as a framework for governing themselves.

If you take a territory like Gaza, it was very urban in scope. Gaza was 77% urban before the war started in October of 2023. Properties are based on boundaries and title deeds and many of them are very complicated, they date back to the Ottoman period, and then they depend on various permits and other orders issued by the Israelis. Then, of course, it depends on actions taken by the Palestinians themselves. But there has to be a land titling and a land resolution process, which is a matter of private law.

Palestine, when it recovers its sovereignty, has got to be really well prepared to deal with the land question because otherwise it can lead to all kinds of domestic strife and basically prevent the reestablishment of conditions that enable rebuilding. The first question for housing is land: clarify the land issue. The second issue for housing, particularly in Gaza, is the removal of debris, particularly because it is mixed up with so much toxic material, which is polluting the land. It is also extremely dangerous because there are unexploded ordinances and other materials. It is quite expensive and hazardous to remove them and to render the area safe enough for people to live in.

We have not seen this level of destruction really in any recent conflict. The memories of how rebuilding was done in some recent conflicts, including say in the case of former Yugoslavia, I don't think they are going to be very applicable in the context of Gaza. It is a unique case. For historical parallels that come close to rebuilding a place when it was so totally obliterated, we have to go back to World War II and to maybe the nuclear destruction of Hiroshima or Nagasaki

or the firebombing of Tokyo. It is really an enormously complicated issue, the removal of debris and the re-establishment of conditions for rebuilding.

The third and most important issue for housing goes back to the first issue of self-determination and establishment of Palestinian sovereignty. When land is restored as a matter of public international law to Palestine, it has to be a 100% sovereign entity, which means that Israel should have absolutely zero scope for determining what happens on the border of what is called Palestine, what comes in and what goes out. This is critical to any rebuilding of homes. Without that, what we will have is that Palestine will be nominally sovereign within a zone, within a territory, but Israel will continue to have some sort of border restrictions in the name of security. That would also mean that Israel can block the entry of rebuilding materials for rebuilding homes and any other associated infrastructure. We have seen that after past conflicts. After the 2014 war, for example, because Israel controlled entry of all goods into and out of Gaza, the entry of goods was so restricted that less than a thousand homes could be rebuilt in Gaza per year. That is essentially because Israel sees so many of the goods that enter as dual-use goods that can be used for making bombs or engaging in other measures against Israel. This has led to a serious bottleneck in terms of bringing in supplies that can assist rebuilding. This is a very pragmatic issue. It is not a legal issue per se, but it is a concrete issue that actually will prevent the reacquiring of the rights to housing and to water and sanitation and food.

Ultimately, whether it is water or sanitation or food, they are tied in some way to the maintenance of a home. Adequate and safe access to water and sanitation is possible only when you have a home in which clean water can be accessed. The right to food is possible only when you have a home in which people are able to acquire their own food that is culturally appropriate and able to make their own food. But there is no ability to cook your own food if there is no home. Just giving people a sack of flour is not going to make them realise their right to food. That is not how food works. Home is like the anchor for accessing pretty much everything else. And home is also the anchor to ensure that people have access to their own land and therefore are sovereign over their own land.

The question of people's ability to live in their own homes and to maintain control over them and to ensure that they have access to the things that they need to live including food and water and sanitation—this is going to be the biggest issue going forward. Everything else follows from it, including all the civil and political rights violations that we see. For example, shootings and killings and kidnappings all come because of Israeli measures to control land or housing, then people resist it and when they resist they get shot or they get picked up and they

get transported for torture and so on. But the civil and political rights violations actually flow from the denial of something more fundamental. That is the denial of people to inhabit their own land and to live life as they have known it.

5. From the perspective of the mandate, what is the social dimension and what is the social impact of the situation as it stands now? What is the long-term impact of something like this on the people of Palestine as a people?

It is very hard for any outsider to really articulate what that impact is or might be. I hesitate to say what that impact is, but it is incalculable. The layers of suffering that Palestinians have gone through, and the generational impact from the Nakba, the suffering of their parents and their grandparents. The historical suffering is already a collective trauma from which they of course have not recovered. But one is also struck by the extraordinary resilience of the Palestinians in the Occupied Palestinian Territory to be able to go through all of this and still somehow be able to remain human and to have the ordinary sort of inclinations and desires and social ties which continue to exist.

It is, I guess, both a positive as well as a negative sort of message that I'm giving that on the one hand, I see Palestinians, given their sheer resilience, as uniquely capable of bouncing back and being able to rebuild quite effectively, if only the structural conditions that hold them back end and assistance is provided for rebuilding those shattered lives and societies.

But I also see enormous challenges, particularly perhaps more in the case of vulnerable communities such as the impact on children, or the impact on women or older persons or people with disabilities. For these people, it is going to be more difficult because of the extra barriers that they face to rebuild their lives and to rebuild their societies.

If all shooting stops and if rebuilding starts, the rebuilding of social relations including religious relations, including normal social interaction and religious worship and all the rest of it, might be the first thing to get going, along with economic activities, including the resumption of basic activities, such as fishing or small-scale trading and other measures, including where possible, the cultivation of crops on land where the land is not inaccessible or polluted. These will get going.

But because of the presence of toxic materials, the presence of unexploded ordinances, the difficulty of mobility from being able to go from one place to another, when everything is destroyed, there are no roads, there are hardly any public forms of transportation, it is going be really tough for a lot of people.

Even to ship goods from one place to another is going to be really tough. What I think Palestine is going to need is, building on the resilience of the Palestinian people, a massive assistance program similar to perhaps what was done in Japan and through the Marshall Plan in Europe, something that involves assistance from countries that in fact have contributed to the destruction of Occupied Palestinian Territory.

This brings me to the one issue where I think that the ICJ Opinion as well as the General Assembly Resolution that followed it could have been stronger: to more concretely point out the legal duties of States, starting with Israel but also other States such as the United States, that contributed to occupation and the destruction of Palestine and Palestinians, to be the primary contributors to the rebuilding of Palestine. They have a legal and certainly a moral duty to rebuild the lives of Palestinians. This doesn't come through as clearly in the ICJ Opinion and the General Assembly Resolution. The fact is that they should not be let off the hook.

Even when the shooting stops and the question comes of who helps to rebuild Palestine, the responsibility should not again simply be about what the Arab neighbours are going to do. Of course, the Arab States can and will and should contribute. So should all the other members of the international community, because everyone has a responsibility for this. But what I don't want is to let the ones who are responsible for the destruction of Palestine to be let off the hook. That is not how international law works. Under international law, it is one of the most basic principles that the breach of an obligation involves a duty to make reparation. This is well established under international law as a matter of state responsibility. I just hope that that is not forgotten.

6. In terms of moving forward and next steps, what role do you think that your mandate can play in monitoring and reporting compliance with the Advisory Opinion?

The first is that I hope that the register of damages gets established and that is a place where concretely my mandate can play a role in designing the system and in helping to ensure that the concept of "loss or damage" includes the loss or damage that captures the human rights dimension, that it is not seen simply in very mechanistic, economic terms.

For example, losses in a context like Palestine are enormous when it comes to psychological impacts. For the trauma suffered by people, including by children, there must be a way to calculate or quantify what should be done to deal with those losses, whether it should be in the form of a compensation or an atonement or a satisfaction or apology. There are many ways in which a reparative framework can work. The term "reparative" framework is important because that is exactly the words used in the General Assembly Resolution. When it talks

about the register of damages, it should be part of a reparative approach to rebuilding Palestine, and I believe that my mandate will have a strong role.

My mandate will also have a strong role in ensuring accountability for crimes, especially for the crime of “domicide”, as I've called it in my writings and in my reports. Domicide is the large-scale destruction of housing and homes that can constitute a war crime or a crime against humanity or genocide, depending on the context in which it happens. Unfortunately, when massive destruction of homes happens, that by itself is almost never prosecuted as a separate crime. That in itself is never condemned as a separate crime. That in itself is never seen as morally problematic, even in public or popular imagination and public psychology. I want to change that, and I'm pushing for it. It is not all about legal responsibility in terms of holding individuals accountable through a criminal law process, but it is also about changing the narrative, and the narrative of legitimacy. Why is it legitimate for a military commander on the field to destroy an entire neighbourhood because there is supposed to be one so-called legitimate target? Why do you want to destroy all their homes?

Unfortunately, these questions are not yet mainstreamed into military planning and policy. They are not part of targeting decisions or rules of engagement adopted by militaries and we need to change all of that. I'm calling for a change in the culture of armed conflict itself. Sometimes conflict is unavoidable or at least in the context of self-defence, conflict is the means through which people's rights can be safeguarded, including the right to self-determination.

But on the other hand, if conflict is not to become simply a pathway to brutality and pointless destruction, which unfortunately is what it has become, then there must be some limits on how it is waged. All the laws of war are intended to achieve that, but they have fallen short when it comes to the protection of rights such as the right to housing. The fact remains that the mass destruction of homes or the mass destruction of crops or even destruction of habitable or usable land for cultivation when it comes to food or the mass destruction of hospitals or water facilities, they are not prosecuted as crimes by themselves. Under laws of war, there is a problem when it comes to holding people accountable when they engage in mass violations of economic, social and cultural rights. This is a huge gap in international law and in public morality. We just don't take it seriously enough. This has to change. And Palestine reminds us of the need for that more than any other conflict.

Michael Fakhri

*UN Special Rapporteur on the
right to food*



Interview with Michael Fakhri, UN Special Rapporteur on the right to food

7 August 2025

Michael Fakhri is a professor at the University of Oregon School of Law and director of the Food Resiliency Project. Appointed in 2020 as the UN Special Rapporteur on the right to food, he brings expertise in food law, human rights and development, and has worked extensively with peasant organisations, labour unions, and international organisations to advance food justice.

1. How does this advisory opinion intersect with your specific mandate? What challenges do you foresee in integrating it into your mandate's ongoing work?

The least interesting part of the opinion is its conclusion, which is that the occupation is illegal. I mean, that was something everyone knew, and I don't think it is legally that interesting. But the decision is interesting in a lot of different ways. First, how it frames things. It frames things not just as a matter of occupation, but in terms of the Palestinian people's right to self-determination.

It puts it in that context, I think that is really important. It is very human rights-ish, but once you start talking about the right of self-determination and they use the language of discrimination, they are looking at the entirety of Israel's settlement regime. They are looking at it as a systemic issue. They look at population transfer, land, exploitation of natural resources, how military laws are used, forced displacement, settler violence, they look at the whole thing. It is not just an illegal occupation that the Court was concerned about. It could tell that Israel is looking to permanently annex Palestinian territory. That is what is at stake. Again, they frame it as a matter of discrimination, which is a very human rights way of thinking about it. And that is sort of the big picture. More specifically on food. The whole thing of land and food is inherently connected. You cannot talk about food without talking about land. And more specifically, the way Israel has done this occupation and sent in settlements is through the food system. Starting with Zionist settlements before the state of Israel was created, they used farms and they learned, they actually looked at French techniques of using farms in North Africa as the first wave of settlements. If you look at the Jewish National Fund and other corporations that were buying up land before the State of Israel was created, again, this is all in the context of agriculture. From then on and once Israel is created, starvation is already being used as a technique. So, if you look at UNRWA's founding charter, one of the concerns is starvation.

Therefore, from the very beginning, you cannot actually talk about Israeli occupation without understanding how Israel uses the food system as part of its occupation and displacement of Palestinian people, how the issue of taking land connects to food, and then how Israel always uses hunger as a weapon. You see that in all its policies, if we want to call it discrimination. The way the decision by the Court was framed, just aligns with so many different human rights so easily, I found.

The one thing I do want to add about the ICJ decision, again the least interesting part is the finding of illegality—framing is important, and then, what I like about the decision is remedies. What the Court calls for is, yes, the withdrawal of Israel by September 18, the seizing of new settlements. But the part that is super interesting is full reparations for damage. It frames the issue not as just a withdrawal of occupation and not just fixing the damage caused but reparations. Once we are using the language of reparations, it is a matter of justice. It sort of creates that framework of justice going forward. I think that is really key.

2. What legal obligations do third States now have under international law, given Israel's failure to comply with both the ICJ's findings and UNGA Resolution A/RES/ES-10/24?

The Court holds that member States have obligations that arise from the *erga omnes* nature of Israel's violations of the Palestinian people's right to self-determination and the prohibition of the use of force to acquire territory. Then the Court says member States have a duty to promote through joint and separate action the Palestinian people's right to self-determination. They get to this by framing everything as self-determination, it really broadens out that obligation. It is not just multilateral, it is not just joint, but separately, States have an individual obligation. They don't have to wait for others. And then the Court lists those duties and obligations, and amongst them is sanctions.

This is paragraph 278 of the decision: "to abstain from entering into economic or trade dealings with Israel or parts thereof which may entrench Israel's unlawful presence. 2. Take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory. 3. Not to render any aid or assistance in maintaining the situation created by Israel's presence in the Occupied Palestinian Territory." The argument I've been pushing and sort of pushing against is that some States, when they think of sanctions, say hooray, the ICJ authorises sanctions. But what do we mean by sanctions? Some will interpret it narrowly and they will say that only means sanctions against settlements and settlers. That is the narrow definition. The argument I've been making within the UN system, and by looking at food you see it, is that you cannot separate out the State of

Israel from the Palestinian territory. The UNDP has a good report on Palestine where they set out how much the Israeli economy benefits from the occupation.

There are two arguments: legal and political economic. The political economic argument is that you cannot separate the State of Israel from its occupation, that the State of Israel politically and economically benefits from the occupation and this has been measured. If you look at the food system including labour, trade, and water, you see how both the economy of the settlements and the Occupied Palestinian Territory serve the Israeli economy.

But then legally that obligation—and this is in the decision—the Court says in paragraph 279: “it is for all States while respecting the Charter of the United Nations and international law to ensure that any impediment resulting from the illegal presence of Israel in the occupied Palestinian territory to the exercise of the illegal presence of Israel in the occupied Palestinian territory to the exercise of the Palestinian people of its right to self-determination is brought to an end.”

This is so broad. Any impediment to the Palestinians' right to self-determination, that is what we are talking about, right? Not the narrow understanding of sanctions. The argument that I make again is that the decision authorises sanctions, it obliges States to do whatever they can to ensure that the Palestinian people's right to self-determination is realised. Basically, by any legal means necessary—they have to do everything and anything.

If you look at the Court decision again, if you look at the Court's analysis of Article 3 of CERD, there was a question of whether or not they called it apartheid. And they don't, they leave it ambiguous. What is interesting to me is not whether or not it is apartheid—I mean, it is apartheid—but the way they do the analysis here is quite nuanced, the way they walk that line. So, when asking ‘is it discrimination?’—this is paragraph nine of the ICJ decision—they go through all of Israel's discriminatory legislation and measures in the Occupied Palestinian Territory. This is the longest section of the Opinion, the Court examines it in great detail. Israel's residence permit policy, restrictions of movement, they go through this comprehensive regime, and they say this is a particular kind of discrimination. They bring in Article 3 of the Convention of the Elimination of All Forms of Racial Discrimination and they leave it open.

The point is that racial segregation and apartheid are both severe forms of racial discrimination. So, the difference is a matter of minor degree between racial segregation and we call it apartheid. But what that analysis does is to pull it out. The fact that they invoked Article 3 and their legal analysis tell us that the Israeli legal and political system is inherently linked to violating the right of self-determination for all Palestinians. It is racist through and

through. We can quibble over the degree of how severe it is, but it is severe. It is severe racial discrimination implemented through law and policy and institutions. The Court has also legally recognised this link.

3. What practical steps can the General Assembly take in response to Israel's defiance of all of this? What legal and/or political barriers exist in implementing this?

The General Assembly Resolution creates this deadline of September 17, a year from when the Resolution came out on 18 September. It says exactly one year from now something needs to happen. What is good about the Resolution, separate from the deadline, is it provides focus. It actually gives even more focus on how member States should meet their third party obligations. They talk about nationals and companies that are under their jurisdiction, about importation of products, about sanctions and travel bans and asset freezes. Then it creates these different processes. And then the other thing the General Assembly resolution actually does, is that it advances beyond the Advisory Opinion because it adds another demand, it draws in the South Africa v. Israel case. I think it is important to read both cases, the genocide case with the three provisional decisions and the Advisory Opinion on the occupation.

That is what the General Assembly Resolution does, it attempts to bring them together. I think that is really key to understanding how to move forward. The fact that the General Assembly Resolution already does that for us gives us the added political legitimacy to do that too. The General Assembly says Israel must comply with the provisional orders in relation to the Palestinian people's rights that arise from the genocide convention. It adds that urgency. What does this mean? How do we connect the two? It means that when we are talking about reparations, when we are thinking in the future, it is not just about going back to a world where Israel is no longer occupying Palestine, but what it means is that Israel owes the Palestinian people reparations. We understand what reparations mean in the context of genocide. It means we must eliminate the risk of genocide and starvation. This is the human rights part. This is the entry point for human rights in a forward-looking, constructive way. The point is that when you end the occupation, you have to end the fact that the Palestinian people are vulnerable to starvation and genocide. You have to eliminate that vulnerability.

That is what the provisional measures give us. That is the context of genocide. It is not that Israel ends its occupation but that the Palestinian people are still subordinated to the Israeli political economy, or that the Palestinian people are still subordinated and dependent on Israel or even the international community. It is rather how do we eliminate the risk of genocide and starvation in the first place? And the answer is to look at realizing the rights, these particular

human rights: food, water, health and housing. I would prioritise those four because these are what protect you against genocide and starvation.

If you look at the first press release from the mandates, we were the first to call it, to frame it as genocide in October 2023. If you look at who signed the first press release, it is the Special Rapporteurs for food, water, housing, health. Others were also there, sure, but in terms of substantive articulated rights, those were the four. And we four were the first to mobilise and the reason we mobilised is our mandates themselves. There is something specific about food, water, health and housing. For the question of reparations, run through the lens of preventing and eliminating the risk of genocide, the answer is realizing those human rights. That is an entry point for human rights, not just by identifying a violation like, 'oh yes, it is a violation', but constructively, in terms of what we mean by reparations is the way forward. That is in conceptual terms. More concretely—and I've been calling for this nonstop, because of the US veto and the deadlock at the Security Council preventing the use of the uniting for Peace provisions of the Charter—the General Assembly is authorised to call for peacekeepers to accompany humanitarian convoys. And that will actually change the UN system, that will galvanise it. Using peacekeepers in this way will be novel logistically, but why else do we have peacekeepers if not to end genocide and starvation? Every time I tell this argument to anybody, journalists, civil society individuals, my family, anyone, they are like, 'yeah, that's obvious'. It is such an obvious thing, conceptually and legally, to call for.

And then of course sanctions, that is what needs to be done. Broad-based economic and political sanctions, revisiting existing trade agreements, calling for ceasefires, all of that. What is blocking it? Racism, straight up racism. Yes, hypocrisy if you look at how they responded to Ukraine versus Palestine. But the fact that leaders have allowed Palestinians to die like this, have allowed for Palestinian children to die from starvation. They have noticed for 20 months, we raised the alarm on starvation 20 months ago and have documented it in great detail. The Security Council knows. Tom Fletcher from OCHA briefed the Security Council, told them as much. I've briefed the General Assembly. I've briefed the UN Committee on World Food Security. They all know. There is no question of knowledge, facts, or information. It is (1) that they feel that Palestinian lives are worth less than other people's lives: racism, and (2) they are all vulnerable to a US political economy.

They all know that if they impose sanctions against Israel, it costs them. This is the global economy we are in. Many countries, while being politically sympathetic if not in solidarity with Palestine, export fuel, they import weapons, they have this dependency, this political economic relationship with Israel—that will cost them. But also, Israel's closest ally, the United States,

will punish States. And it is not just this regime, previous regimes would have done similarly. It is just a difference in flavour: this regime in the United States will punish it with more drama.

But countries know that if they impose sanctions against Israel, they have to reposition themselves in the global political economy. That is the challenge. The conditions to enable countries to do the right thing, to do what their leaders claim they want to do actually require a repositioning of these countries' place in the global economy. They have to be less dependent on the United States. They have to be less dependent on the US dollar. That is really hard. That is really really hard. But that is why it has to be done multilaterally. Countries have to do it together because they have to work in solidarity with each other, meaning they have to reconfigure their economies, aligning with their allies to say, 'if the US comes after me or I need to import weapons from somewhere, where am I going to get them from?' If not from Israel, someone has to say, 'we will sell you weapons'.

There is a change between the social, the political, the economic. The social power is now there—that has been mobilised. And the argument I've been making is that we have legal victories, we have all the legal tools we need, we have great decisions and resolutions and all of that. How do we translate social power, legal victories into political change? By changing the political context so that the leaders are rewarded for doing the right thing. Why would somebody go out of their way to rupture their relationship with the heart of the empire if they do not see that there is an incentive for them in their home ground where they need to go? And the mayoral elections in New York—the nomination of Mamdani is a huge global political victory.

4. How can the special procedures better collaborate with the Human Rights Council, the UN mechanisms, and other systems that exist in the UN framework to do this better?

I really don't know, we are all doing our job, all of us. All the mandate holders you are going to be talking to have paid some price for doing their job. In different ways. And we have received such little support and protection from the UN system. It is hard for us to get a sense of the goodwill between the special procedure system, which is a weird anomaly in and of itself. And the gap is widening between us and the rest of the system—we don't feel supported on the inside, even though we are opening up these spaces for everyone to make it easier to say what is going on and do the right thing. It is a piece of the system that is broken.

We did it. We did everything. We did everything we were supposed to do. What else could we have done differently? Nothing. We all did our best under impossible circumstances and we have seen such little concrete action as a result. Instead we are asked to describe horror on a

daily basis, knowing that we are still 22 months late in the politics of condemnation and recognition.

The way I imagine the UN system is that it has collapsed. It has broken. It has crumbled. And what do we do from the wreckage? From the pieces that are left, from the mechanisms that are working, from the individuals that are still on the inside? How do we move forward? That is how I see these legal strategies related to the ICJ. Again, we have legal victories, but in a system that has collapsed into itself, where Israel attacks the UN, the UN peacekeepers in southern Lebanon, and not just UNRWA facilities, but also WHO facilities have been attacked. They have killed a record number of UN staff. They have killed a record number of humanitarian workers. I have heard ambassadors say when Israel attacks the UN, they are attacking the world. The world is under attack and nothing has happened. Nothing has happened. There are no consequences.

This is why I think legal strategies have to be really tied to not the courts alone but to real pressure. If one talks about prosecution, we should be mobilizing national criminal laws, whether universal jurisdiction or other such things. I like what New Zealand has done. It is asking all Israeli citizens whether they have served, 'Have you served in the IDF? Are you a war criminal?' Basically, they have to justify it. In terms of legal strategy, we have to think outside of the UN system.

Look at who is enforcing international law. Gaza Freedom Flotilla, Global March to Gaza, Samidun Network from Tunisia. The mobilisation of flotillas is increasing. I read today in Haaretz that Israelis are now forming their own flotilla to push through because they want the hostages to be released. They want negotiations, they want peace, they want a ceasefire. They are not pro-Palestinian, but they are nevertheless using breaking the blockade as the technique. We are now in a moment where international law is being implemented by popular mobilisation. Through popular mobilisation it is being given power and meaning in ways we have not seen before. That is the way forward. How the UN system and international legal system responds accordingly will create the new world order for the future.

You are catching me at a time where I do media interviews every single day now, I'm on TV or in the newspaper or whatever, every single day. Special Rapporteurs are known by everyone now. Who doesn't know about special procedures because of Gaza. We have so many words for death, genocide, ecocide, scholasticide, and not enough words for justice, but we are creating that new language. Because what is required of States, in terms of sanctions, takes such a global change.

I don't know where that conversation needs to be had. The Hague Group is interesting—I welcome it. I'm curious, but I'm not hopeful. It could be performative showing their base that they are doing something, but they are still not doing anything. International law allows us to show what counts as action and what counts as inaction. Is recognizing the State of Palestine action? No, no. International legal analysis explains why it is not enough. That is where we are at, which is what counts as action and what counts as inaction but looks like they are doing something.

Looking at intersections in international law is also super interesting. I was asked to speak at a climate change and environmental law conference here in Oregon, on a panel about climate change in Palestine. It was interesting to see how the climate change movement, the youth part of the climate change movement, is really focusing on Palestine as well. I have always felt that it was going to be the climate change youth movement that would change the world. I think it is Palestine that is going to change the world. The argument we were all making was this: the conditions that enabled Israel to commit genocide and starvation and to occupy Palestine in the first place are the same conditions that have led to climate change. It is the same political economy. It is the same extractive economy. It is the same system of exploitation, oppression and occupation, land grabbing, all of it. Whether it is a corporation stealing your land or the State of Israel stealing your land, if you are a peasant, how does this matter? Whether it is a corporation or a state or a state-run corporation, occupation is occupation.

Thinking about strategic litigation—what that left me with, after sort of talking about the context of climate change and listening to other communities talking in those terms, is how to tactically choose what to prioritise, aligning the climate change priorities and the Palestine priorities together. Take on an energy company. If you have to pick a corporation to fight, which one? Pick energy, pick oil and gas. Because then you will get the climate change folks on board and the Palestinian movement, but also the victory will be profound, it will really resonate across so many things. Trying to align Palestine related litigation with climate change victories as well, I think is both important socially, in terms of social mobilisation, but in terms of material gains, material benefits too.

5. How do you see the impact of the moment that we are in from the perspective of the mandate?

In terms of my work, I know how bad things are from my telephone, it is my pulse of the world. It is weird to say, but about all the interviews, I've been yelling non-stop for so long and I keep

asking myself why has the media picked up on the starvation component now? The media started, I would say about two or three weeks ago, things started really getting really bad. But why not four weeks ago? Why not five weeks ago? Israel started this round of its starvation campaign, Netanyahu announced it on 1 March 2025—Netanyahu, who has an arrest warrant issued against him in November 2024 for the crime of starvation, one of the core allegations. In March 2025, he stands up, or metaphorically stands up on Twitter and publicly says, we are imposing a full blockade again against all of Gaza.

They do this starting 2 March 2025, and it goes on for 78 days. From 2 March until 19 May. Nothing enters Gaza for 78 days. Why wasn't the world reacting during those 78 days the way they are now? They want images? There are images of horror. They want people recording genocide in real time? They have it. They want children who are skin and bones? We have that from June of 2024. What more did they want? I've been trying to understand, and my conclusion: part of it is media cycles, part of it is politics, you know, the condemnations are stronger. Part of it is that there are more images of children who are emaciated and who have died from hunger and malnutrition.

But it is the speed, it is so fast now, it is so bad. Statistics rarely move me, but one hit me. The Guardian did an interview with me and in the article they said this—which at that point it was 11 days but now it would say 20 days—more people have died in the last 20 days from hunger and malnutrition and related diseases than have died in the last 20 months from hunger. The number of people dying from hunger now is the worst case scenario possible. On 22 August, the IPC formally confirmed famine. It is confirmed by the UN approved system, that the worst case scenario is now. It is now. And it can get worse, and it will get worse. That is what is terrifying. That is the horror of the moment.

From a mandate specific perspective, if you are someone like me and other mandate holders, who said it was genocide in October 2023, said it was starvation in June 2024, we have been the first to call it and it hasn't changed anything. No one takes on the mandate on the right to food thinking they are going to document starvation and genocide. I'm doing the same in Sudan and I've done the same in Yemen, not to the same degree of focus on Gaza because of the speed, but it is everywhere. It is everywhere. Everyone is doing it. Everyone is using starvation. We are in an era where this is going to be more common. The tools we are developing now to fight against this are going to be the tools for everybody to use. President Petro of Colombia said it: what they are doing to them; they are going to do to us.

They know this. It is a matter of self-interest, not just to be re-elected, but for your people not to experience starvation. Everyone is vulnerable to starvation because the rates of hunger are increasing all over the world. The rates of violations of the right to food and right to water and right to housing are increasing everywhere. These are the early warning signs. To use the language of early warning signs: we as mandate holders have become that, we have embodied that. The UN has a system where early warnings are these technical reports, they achieve nothing. We have done the same, we have achieved nothing.

Law makes a distinction between war and not war, does humanitarian law apply? And for me, those distinctions have become more and more meaningless. IHL has become less and less relevant because it is the violence, it is not the question of war or conflict, it is a matter of violence. Human rights allow us to see that violence, to see the systemic elements of that violence, and to create the ways to prevent that violence from turning so severe that we are now talking about genocide and starvation. That has made me reimagine the role of human rights in their relationship to IHL and ICL and conflict.

We do not need new legal tools, we have all the tools we have. We need enforcement. In the report I put out on the Palestine starvation, the legal argument I make is starvation is always genocide or a crime against humanity, extermination or torture. We don't need new legal categories. If it is always genocide, a crime against humanity, or torture, there is already the legal obligation that is outlined to some degree of detail. We have all the legal tools, let us use them. Let us use them creatively. Let us use them in new ways. Let us use them in new social contexts.

Alexandra Xanthaki

*UN Special Rapporteur in the field
of cultural rights*



Interview with Alexandra Xanthaki, UN Special Rapporteur in the field of cultural rights

8 September 2025

Alexandra Xanthaki is Professor of Law at Brunel University London and a leading scholar on cultural rights, with extensive work on the rights of minorities, Indigenous Peoples, and cultural heritage in international law. Appointed as the UN Special Rapporteur in the field of cultural rights in 2021, she promotes the realisation of cultural rights as essential to human dignity, equality, and sustainable development.

1. How does this Advisory Opinion intersect with your specific mandate? What challenges do you foresee in integrating it into your mandate's ongoing work?

The Advisory Opinion does not need integration, because it says what we have been practicing for a long time regarding the applicability of international human rights law to the situation in the Occupied Palestinian Territory. The Court talks about application of human rights treaties and we have been doing just that. We have been using the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD) when it comes to the Occupied Palestinian Territory.

And we have been using those treaties in our correspondence with Israel and other States, reminding them of their obligations when it comes to the Occupied Palestinian Territory, including when it comes to my mandate, cultural rights, that are indeed protected by many of these treaties, including Article 15 ICESCR, but also the right to self-determination. The right to self-determination has a cultural element, including cultural development. This is very pertinent for my mandate, but also when it comes to discrimination with respect to destruction of cultural buildings, history, memories, values, and the future. The way I have read the Advisory Opinion is that the Court reminds us that the United Nations has the obligation to recognise as illegal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory, the obligation to distinguish in dealings with Israel between the territory of Israel and the Occupied Palestinian Territory, and the obligation not to tolerate the gross violation of international law standards. And this has been our position.

In this respect, the ICJ reinforces our position. For example, in October 2024, with the support of other Special Procedures, I engaged with the Fédération Internationale de Football

Association (FIFA) to remind them of their obligations under international law when it comes to Israeli football clubs and their activities in the Occupied Palestinian Territory, and I also relied on the ICJ Opinion. In [that engagement with FIFA](#), we noted that over the years at least eight football clubs have developed or have been identified as playing in Israeli colonial settlements of the occupied West Bank. Israeli clubs, many of which have exhibited racism towards Palestinian people and players over the years, are integrated in the Israeli Football Association and in a way are pushing out Palestinian teams. A ninth club based inside Israel plays some home games in a settlement. We went to FIFA and we expressed concern that they allow clubs located in the Occupied Palestinian Territory or playing in settlements in the Occupied Palestinian Territory to participate in the Israeli Football Association. We stressed that such an approach amounts to indirectly recognising as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory in complete direct opposition to international law as reiterated by the ICJ in its Advisory Opinion in July 2024. Unfortunately, we have had no response - which is the pattern here.

The ICJ Opinion also gives us additional elements to engage with other states, to remind them of their obligations not to render aid or assistance in maintaining the situation created by Israel's illegal presence in the Occupied Palestinian Territory.

2. Have you seen any shifts in behaviours from third States in their actions as well as in their words to comply with international human rights standards since the Advisory Opinion?

It is interesting that you have focused on third states because indeed, the biggest challenge in all of this is that repeatedly we have not seen any reaction from Israel. This is the dilemma that I have and this is the challenge that I face—how many times are we going to spend resources, time and effort to say something to a State that refuses to acknowledge us and what we are saying. I think that this is one of the main challenges, to remember that it is not just about how Israel reacts, but also how the world and Third States react.

This is a challenge. Sometimes commentators will say, why do you not continue to push? And I think we do continue to push. But when you have a State that does not want to play ball, it is very difficult with very limited resources. Recently, it has become very difficult to continue to push. And I think NGOs are very important in this respect in reminding us that we do have support in doing so, even if the actual State refuses to take what we say into account.

When it comes to other States, I have seen some shifts in behaviour, although it is always difficult to assess them. The first is recognition. Several states have recognised the State of Palestine quite recently and others have stated that they plan to do so. I think this can be seen as the outcome of several issues, but also the ICJ's Opinion. That is positive but this recognition and these promises are late. The situation in Gaza is a disaster. Recognition cannot remain an act in the air. First of all, we should not take our eyes away from what is happening in Gaza. Such recognition must be accompanied by concrete actions to end the war and protect the Palestinian people, as was said by the Court in its January 2024 Provisional Measures Order in *South Africa v. Israel*. States have to take specific action to protect the right of Palestinians in the Gaza Strip from acts of genocide.

Secondly, I am aware that some States, such as Chile, Colombia and Nicaragua, have ended diplomatic relations with Israel. But more concrete actions have also been taken with respect to calls by Special Procedures, for example in relation to the issue of armed transfers. I have been informed that several States, including Netherlands and Japan have issued arms sale freezes, Slovenia has issued an arm embargo, and funds in Norway have divested from several companies and are reviewing investments in Israel and arm companies. I have seen that some States, such as Belgium, have mellowed their statements on the Occupied Palestinian Territory. But all this is marginal when you see the scale of the attacks against the Occupied Palestinian Territory, particularly Gaza. One year after the issuance of the ICJ opinion, Gaza is devastated. Together with other Special Rapporteurs, I raised concerns to the government of Israel about the destruction and damage to numerous cultural assets of Palestinians in Gaza since October 2023. This includes historical and religious heritage sites, cultural institutions, museums, cultural centres and venues, educational institutions and libraries. As you can imagine, I received no response from Israel to my communication about the destruction of the cultural life of the Palestinian people.

I have also been quite prominent when it comes to attacks and reprisals against Palestinian artists, cultural workers and cultural rights defenders. My ongoing concern is that this amount of devastation, this amount of disrespect of basic principles, of humanity, basic values of humanity, have led and are leading to the irreversible destruction of the ways of life of the Palestinian people. They erase expressions of the Palestinian identity, and they erase collective memory. Third States have very clear responsibility outlined by the ICJ as well, to not only not contribute to this, but also to take action to stop this. And I do not see this, and this is what really concerns me.

Even though we, Special Procedures, have condemned the targeted and deadly violence directed at civilians in Israel on 7 October 2023, since then we have also been very clear in denouncing the disproportionate and cruel response by Israel. I have been very clear that the events of 7 October were a grave violation of several rights, but also certainly cultural rights, and it was targeted, it was deadly. Although at the time I did not hear as much about this from the State of Palestine as I would have liked to, at the same time what has been happening since then is so disproportionate, is so cruel, is so over the top, that it unfortunately surpasses any comment and criticism I had about the response of specific actors to the events of the 7 October 2023.

Cultural rights include memories, which are part of the identities of the people. I am very aware that there is a very clear attempt in some circles by third actors, States and parts of civil society to start the story from 7 October 2023. The story starts far, far before then and I try to emphasise this when I speak on the topic.

3. How are these violations of cultural rights, including cultural self-determination, of the Palestinian people extrapolated to the West Bank, including East Jerusalem, as reflected in the ICJ's Advisory Opinion.

Our engagement with Israel on this issue started far before 2023.

We are very aware that the ICJ focuses on self-determination. When we talk about self-determination, cultural self-determination also means the right of every people, including the Palestinian people as a whole, to maintain and talk about their history, their memories, and also decide on their future as a people, their values, etc. It has been difficult because of the very clear, very violent destruction in Gaza.

What the ICJ Advisory Opinion says is very pertinent to the whole of the Occupied Palestinian Territory and is very pertinent as a violation of cultural self-determination, of the destruction of tangible culture, of intangible culture and a distortion of history and narratives that erase Palestinian identity. I am also very worried about the safety of cultural workers and artists in the rest of the Occupied Palestinian Territory.

I am very clear now, speaking about an ethnocide happening. We should not just look at Gaza and consider what is happening in all of the Occupied Palestinian Territory.

4. What is the impact of Israel's non-compliance for the international legal order, particularly in light of Israel's impunity over the previous decades?

This has been a major bullet in the heart of international law. The disrespect of international law in such an important series of human rights violations means that international law has suffered from being undermined and delegitimised. It also means that rights we took for granted are open now to discussion.

This has affected other areas of international human rights law and the compliance of other States with international standards. It has affected how the world views the systems in place to respect international human rights law. The reality is that every day we see violations happening in the Occupied Palestinian Territory, but also in other States. This has become the norm.

Look at what is happening with Special Rapporteur Francesca Albanese at the moment, and how her assets have been frozen. There is worry amongst the Special Procedures, a real worry about our well-being. But for other actors as well, NGOs, actors, artists and cultural workers in some States who continue to push for the international standards. We also have to say that the United Nations has not forgotten Palestine. The UN as an institution continues to push for the compliance of all States and Israel with the ICJ Advisory Opinion and other standards of international law.

The reality is that it has been very difficult to continue to teach students about the importance of international law, particularly international human rights law, when they read the news of the past year concerning the Occupied Palestinian Territory.

A positive aspect is that people have started reading up on what has been happening in the Occupied Palestinian Territory for decades. And we also see more Israeli NGOs and people in Israel that have started being vocal. The impact of the Advisory Opinion has been to give us the strength to be more clear and more visible. The impact of non-compliance by Israel, and actually by Third States as well, has opened discussions about the so-called West and how international human rights standards are upheld now by other States. South Africa is the big hero for many of us at the moment and we also can talk about Latin American States with the initiative of the Hague Group. A lot of us now look elsewhere and not at the States we would previously have turned to, to find answers and allies in pushing for compliance of the Advisory Opinion.

- 5. What practical steps should the UN, including the Special Procedures and the UN General Assembly, take in response to Israel's defiance of the ICJ and the UNGA resolution?**

When it comes to Special Procedures, this is our daily work. Within our mandates, we continue to send allegations, letters and urgent appeals to Israel and other relevant stakeholders, pushing press releases, reporting to the Human Rights Council and the General Assembly, relying on the Advisory Opinion. In this respect, and in view of what we have been appointed to do, I do not think that we have any more tools to act—we have exhausted our tools to act as Special Procedures.

Because of the events and the violations in the Occupied Palestinian Territory, the UN and its mechanisms are under a lot of pressure, and also a lot of sanctions. I think that we need to collectively act in this respect. There is a sense that we have been left on our own, and we need more support from the Human Rights Council and the States in this respect. We have been appointed by the Human Rights Council. As the eyes and the ears of the United Nations, Special Procedures have been very vocal, and we continue to expose ourselves to a lot of danger. So far, we have not seen the support that one would expect to see from the UN system.

I think that it is important that the United Nations mechanisms and bodies also raise issues of third States complicity. As Israel and the US are moving away from the United Nations, it is very difficult for the UN General Assembly to act. However, these are issues that go beyond my mandate.

But when it comes to Third States, I think that they should refuse the narrative of the Israeli government that uses cultural heritage as a leverage for territorial claims, that builds this false idea of exclusive historical Jewish attachment and affinity to the land, and that erases any other narrative and prior relationships. They should ensure business companies involved in tourism do not engage in any activities that would support such a narrative, or would support the occupation, or would deny the illegality of the occupation.

The UN and its wider family, including UNESCO, should work to combat illegal trafficking of cultural assets and return seized artifacts to Palestinian authorities. There should be full support of Palestinian NGOs that provide support to the Palestinian people and report on human rights violations in the Occupied Palestinian Territory. There should also be a clear and loud condemnation of restrictions of academic freedom and restrictions of freedom of expression worldwide for solidarity with the Palestinian people.

Students have asked for transparency regarding the direct and indirect links between their universities and Israeli universities, research centres and the government, including the military. It should be made very clear that these students have the right to protest. States should ask their public universities and private institutes to review their relationships with

Israeli universities and institutes to ensure that they do not provide support to Israel's war and colonising efforts, including through partnerships the development of dual-use technology. There should be reparation and reconstruction efforts, and this also would involve, for example, UNESCO.

These would be some of the priorities when it comes to third States and the General Assembly.

6. What will the long term impact of the current situation be from your perspective?

What I fear is the erasure of the identity of Palestinian people in the Occupied Palestinian Territory. I fear that memories will be distorted through education and through the teaching of history. Children will not know their past, will not know their identity, which will weaken their understanding of their own selves. In essence, what I fear is ethnocide. And this did not start last year. Now more parts of the international community are ready to listen. But I also fear that the indifference and the attempts by powerful actors and States to shut any such debate means that these issues are not discussed and such actors are complicit in this ethnocide.

It is the States that have made the indifference of any human rights lawyer and any human rights supporter impossible. In a way we are more focused, but at the same time, some of us feel the fear of speaking out. This happens to every single person that deals with human rights. The fear does not come only from Israel, it also comes from Third States. Or those States that do not want to speak out.

The United Nations gets blamed for too many things regarding the current situation, but it is up to the States to act. The UN is not an amorphous institution. The UN is the States. If States do not act, the UN will not act. Individuals within the UN as an institution are pushing really hard for things to be done, but when you have a wall of States that refuse to meet you to talk about this issue, or gently push the issue aside, then it is these States that are responsible and it is these States we should focus on.

I am a professor of law. Two years ago, my human rights class was 80 people. My human rights class last year was 20 people. My human rights class this year appears to be 15 people. I have not changed the way I teach. The only thing that has changed is that around the world, people know that international law now is becoming aspirational. It is no longer considered the minimum standards that we have for the well-being of humanity.

Farida Shaheed

*UN Special Rapporteur on the
right to education*



Interview with Farida Shaheed, UN Special Rapporteur on the right to education

4 September 2025

Farida Shaheed is a sociologist and Executive Director of Shirkat Gah Women's Resource Centre in Pakistan and has long championed the rights of marginalised communities through her work on gender justice, cultural rights, and inclusive education. She currently serves as the UN Special Rapporteur on the right to education, where she focuses on addressing structural inequalities in education systems and promoting inclusive, culturally sensitive policies that uphold human dignity.

1. How does this Advisory Opinion intersect with your specific mandate? What challenges do you foresee in integrating it into your mandate's ongoing work?

To start, I think the Advisory Opinion, from what is the highest jurisdiction of the UN, is a very important document. I and many other mandate holders have really welcomed the ICJ's Opinion because it reinforces our own position and aligns with what we have been doing, and our constant dealings with the situation of the Occupied Palestinian Territory and our engagements with Israel. It confirms what we have actually been practicing for a long time: the applicability of international human rights law, in particular, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination, to the Occupied Palestinian Territory. We have repeatedly referred to these instruments and we use these instruments in our communications to Israel as well as others, reminding them of what their obligations are within the Occupied Palestinian Territory. In my case, the right to education is my mandate, and so it particularly relates to Article 13 of the International Covenant on Economic, Social and Cultural Rights, but also to the right to self-determination, which is Article 1 in both the covenants.

Also, of course, all human rights are interrelated and interdependent. While I will talk about education, many of the mandates come together in speaking about the Occupied Palestinian Territory and the situation that is ongoing. For us, the Advisory Opinion really reminds everyone that Israel's occupation of the Occupied Palestinian Territory is illegal, and that the UN and all its Member States have an obligation to understand and to ensure that the occupation is considered illegal, and to distinguish between the territory of Israel and the Occupied Palestinian Territory when dealing with Israel. That is what our work, opinion and positions

have already been as mandate holders of the UN Special Procedures. As mandate holders, it gives us additional elements with which to engage other States, to remind them, and here I'm quoting, "that the obligation not to render aid or assistance in maintaining the situation created by Israel's illegal presence in the occupied Palestinian territory". For example, I have joined many other mandate holders and together we have called upon States not to transfer arms and ammunition to Israel and to halt arms export in the present circumstances.

You asked about challenges. I do not see any challenges in integrating the Advisory Opinion in our work as we already do so; it reinforces the work that we do. To me, the real challenge is how to overturn the total disregard for international law. My frustration stems from the fact that all of these congruent calls to uphold international law from a myriad of international bodies, from the Special Procedures, the treaty bodies, the ICJ, the ICC and UN Commissions of Inquiry, are falling on deaf ears and just being ignored. That is my frustration. It is a challenge for everyone, but that is my frustration.

2. Do you see, following the issuance of the Advisory Opinion, a gap between the international legal standards and their practical application?

There is a gap, not just in terms of what is happening in the Occupied Palestinian Territory, but it is generally there. When you have something that is a commitment and obligation that everyone agrees to, the question to me is that without actions to follow up, this remains on paper. It is easy to verbally commit to something, it is far more difficult to take the actions needed to ensure that that is implemented, and those rights are really supported, protected, and promoted in specific contexts. Unfortunately, that is the reality. I think that is why civil society, and why the Special Procedures mandate holders, keep trying to repeat and remind everyone: these are commitments that you have made, these are your obligations under these treaties, this is what international human rights law says, and that is where we should be. We try and hold people accountable, but we just have our voices.

3. Have you seen any shifts in behaviours from third States in their actions as well as in their words to comply with international human rights standards since the Advisory Opinion?

I am a sociologist so I find it really difficult to accurately attribute what has led to specific changes, but what we can see happening is that several States for instance have recently recognised the State of Palestine and several others are already planning to do so. These are concrete changes that we see, and this is positive, and it could have been triggered and certainly must have been encouraged by the ICJ's Opinion regarding the illegality of the

occupation and the obligation of Israel to withdraw. But for me, sadly, such recognition is very, very late, as we see Gaza devastated, its people bombed, killed, maimed, and now being starved to death.

But in any case, as I said before, recognition and commitment are not enough. They must translate into concrete actions to make a difference, to protect the Palestinian people, to take forward the ICJ's January 2024 Order to protect Palestinians right now in the Gaza Strip from acts of genocide. As I said, symbolically, recognition is really important, but we need much more for it to make a difference on the ground for the people who are affected. But I do know, and I am very happy that you have States such as Chile, South Africa, Colombia, Nicaragua and others, who have all ended diplomatic relations with Israel. Most recently, Türkiye has called for Israel being suspended from the General Assembly. I think these are more concrete actions.

We also have seen that following calls issued by the Special Procedures, concrete actions have been taken in terms of arms transfer. For instance, countries such as Netherlands and Japan have issued arms sales freezes, Slovenia has issued an arms embargo, and some States have now started divesting from their investments. I think the most prominent example is Norway's biggest fund divesting from several companies already and is now reviewing its investments in Israel and the armament companies. But to me, it is all painfully inadequate given the sheer scale of the inhuman violence that we see happening in the Occupied Palestinian Territory, especially in Gaza.

And one year after the issuance of the ICJ's Opinion, we are coming to the anniversary and the deadline, Gaza has been completely razed to the ground. Almost all schools and medical facilities have been destroyed. Relief is being deliberately, in my view, blocked, leading to a catastrophic man-made famine, and starvation is now deployed as a weapon of war. Famine, trauma, and physical impairment caused by the war will undermine an entire generation's ability to develop cognitive skills, completely undermining the right to education, which is my mandate. Every day brings new heartbreaking news that things are certainly not going in the right direction.

The 12 month deadline is arriving, and we do not see anything. Israel is deliberately ignoring the calls of the highest bodies of the UN and knowingly continuing to act contrary to what the UN's evidence-based recommendations have been, and contrary to the ICJ's Opinion, as well as the Resolution. The legal consequences have not changed. To me, they are very much there. Israel must, amongst other things, cease all its illegal and unlawful acts, including the prolonged occupation. It must cease all hostilities. It must cease the weaponisation of food

and water immediately. It must stop committing war crimes, crimes against humanity, and genocidal acts against the Palestinian people, which I really do believe are an integral part of Israel's plan to completely annex the Occupied Palestinian Territory.

4. What is the impact of Israel's non-compliance for the international legal order, particularly in light of Israel's impunity over the previous decades?

There are many other things that Israel should be doing, so I will continue to discuss that, and I will also talk about the international legal order.

To me, if Israel is not complying with what the highest jurisdictional entities of the UN are saying, then it also falls on the other States to ensure that international human rights law is upheld. Amongst other things, this would mean trying to persuade with all the means that they have at their disposal to ensure that Israel complies. For instance, from my perspective, if Israel respects the right of education of the Palestinian people, it means stopping the targeting of schools and higher educational institutions, teachers, students, and non-teaching staff, which has happened in the West Bank including East Jerusalem, quite apart from what is happening in Gaza. I have called what is happening in Gaza "scholasticide", the complete destruction of the educational system. I think Israel should be persuaded that it needs to repeal all laws and policies, and so do other States who have condemned UNRWA, because UNRWA was running schools for some 543,075 children [of them [294,086 in Gaza and 46,022 in the West Bank](#)] and suddenly it is being dubiously called related to "terrorist activities". Many of the people who have died are also part of the UN and part of UNRWA operations, and the schools have been forcibly closed down.

I think there is also a need to look at the laws and measures that are in Israel that allow the lack of opening of schools, the defunding of schools, the suspension of teachers, the refusal of permission to teach on the grounds of strange, dubious, unconfirmed "terrorist accusations". I think "terrorist accusations" are used in Israel, as well as other places, just to say that "we do not want to hear about this". It undermines academic freedom, which I have reported on, and which is happening widely but particularly so here (see report [here](#)).

There is the right to self-determination of the Palestinian people, and the recognition of Palestine is an important step in terms of moving towards self-determination. It must be with regards to education, and with regards to everything. I think other States must fully support the right to education, fully support UNRWA and Palestinian NGOs who are providing support. States should support other NGOs who are providing support, but particularly those that are run by the Palestinians themselves, and especially the people who are reporting on human

rights violations in the Occupied Palestinian Territory. There are people who are trying to report on what is happening but it is becoming increasingly difficult with all the impositions, the press not being allowed, and the people not being allowed to go in and see what is happening on the ground, in Gaza especially.

You have to support the respect for academic freedom and the freedom of expression of students worldwide and I think what has been very troubling to me is the response to students worldwide who have supported the Palestinian people, who are talking about their suffering, who are asking for justice, and asking for transparency in respect of direct and indirect linkages that their educational institutions have with universities, centres and the arms industry that is supporting and linked to Israel. I find that the disparate treatment of students who are supporting what Israel is doing compared to those who are opposing what Israel is doing is troubling. And it is the State of Israel, not a question of the Jewish people, which is something which I keep emphasising. The universities should not in any case be supporting any kind of war efforts anywhere, and especially what we have seen happening in Israel and the Occupied Palestinian Territory, it needs to stop. If students are asking their institutions to be transparent and accountable, this is a part of democratic processes and needs to be upheld.

I also want to point out one of the things that has been disturbing in terms of education. Students from Palestine who had visas, their visas are not being honoured, and they are not being allowed to go forward. I received a message recently saying that certain countries have said, we are not accepting any applications from Palestinians. From the perspective of education, this is highly problematic. You have no schools or institutions left in Gaza. You have some which are under threat, and which are attacked in the West Bank. And then, you are refusing to allow any kind of way forward for education for the Palestinian people. I think this is really important. And then with visas, sometimes the students have scholarships and admission, but the visas are not issued.

Then there is the whole issue of reparations, which I think the States need to start thinking about now. There are some States which I think are discussing this, but as it is still under discussion, I will not name them now, but they have been thinking about what can be done now. As mandate holders, we say, “stop the war first”. But when you are talking about moving forward, so many people have been maimed, both physically and mentally. We are already thinking, how many children are minus one limb, two limbs? The teachers are traumatised. Are you preparing to help them through processing the trauma and preparing for education? The teachers have no educational materials left in Gaza. There is a need for material help, a need

for reconstruction, and you really need trauma healing for all the children and for many of those who are involved in the educational system. And that is just the start.

5. To what extent does the suppression or criminalisation of expressions of solidarity within Palestine, with civil society academia, or political discourse constitute a violation of international law or human rights standards?

I have repeatedly said that the oppression, the suppression, and the silencing of voices in the academic world is a violation of basic rights under international law. I started articulating this early last year, when I visited the US on an official mission, and we saw the encampments happening at that point. Already, you had the persecution of students and professors and others in the academic world for expressing solidarity with the Palestinian people, and for asking for transparency, accountability, et cetera. I repeated this at the occasion of presenting my report on academic freedom, because to me, it completely undermines academic freedom. It also impacts the freedom of opinion and expression, the freedom of association, of peaceful assemblies.

There are also issues which arose as students and teachers were being arrested, relating to arbitrary detention, the right to privacy, and non-discrimination because they were saying they were being treated very differently. Also, many of the students suddenly lost their student housing overnight, some lost their visas, many were suspended. I have recently been speaking to some students who were suspended, and they have not been able to complete their exams, and their entire career is now impacted. As you pointed out, in some cases they have been prosecuted for criminal acts and this is going to go down on their record, and this will create problems. For example, the future lawyers said they will not be able to practice law [with a criminal record]. There are other students who have just been returned home because their visas have been cancelled.

The manner in which some of the students were picked up is really troubling. While it is the universities who are often taking action, they are calling in the State officials to restore the peace. When you bring in public officials, the authorities, the police, or whoever it is who is outside the academic institution, how they are behaving is a responsibility of the State. In New York, for instance, there seemed to be a very clear association that those who were penalised more were from the poorer universities which were more catered to people from diverse backgrounds. But each university in each state has behaved slightly differently and it is difficult to get all the nuances of what is happening to the students. But as I said, we were talking to students just ten days ago and it is continuing. It is not just in the US where it is

maybe the most obvious, it is all over Europe, and Australia. There are students here in Switzerland and we have seen issues in Germany.

I took this up last year in 2024. I took it up this year also, because this time my report was on safety in education (see report [here](#)). Of course, this is part of the safety of education: if I cannot express myself, I am not safe. It is not a safe space for me, quite apart from the hospitalisations that have taken place. Some people have been sent off to psychiatric assessments. There is no evidence of any psychiatric problem or psychological problem, but they have been sent to these places. It becomes very difficult for students to continue when they are constantly facing this. So, the phrase that keeps coming to mind, in the US and now everywhere, is the chilling effect. When you are being penalised, when you see others penalised, are you really going to continue to express yourselves?

We have seen the attacks on the universities themselves. The universities are under attack. These are the issues which I think we are grappling with, and it is not a happy situation for universities, education and higher education.

6. How can UN mechanisms better support the space for advocacy, solidarity and public engagement in support of Palestinian rights?

I think we need to have all States respond to the complaints that are coming and to take them seriously. Sometimes I think these are not taken seriously, and I am constantly now getting reports from all over the world about things like academic freedom.

In terms of Palestine and the Occupied Palestinian Territory, I stated this in 2024 how frustrated I was, and now another year has gone by. It is frustrating that you set up the Special Procedures, you appoint us as mandate holders, but then the Human Rights Council is really not listening to us, or not hearing us, and not taking action. Lots of people were appreciative of my statement, but then I am looking for the follow-up and it does not always happen.

I think we are seeing a shift, but it is slow. And as I said, the situation is urgent. But I have to admit that the Special Procedures have a limited capacity. We only have our voice, so that is all we can do. We can make noise. We can write letters of allegations to States and other people and institutes who are involved. We can write press releases, which we do all the time; we can make statements; we can engage with States and we have engaged multiple times over the last two years with various States on different levels, especially with the European community, but also with others, to try and impress upon them how the situation, especially in Gaza, is just completely out of control. So, whether you are talking about the right to education, the right to

health, the right to housing, to safe water, to food, there is a whole gamut, and everything comes into play here. But as I said, the UN is also in crisis. Generally, States continue to spend billions and billions of dollars on preparation for war and weapons of war, and we are not spending on the things we need to spend it on. We need to realise that peace, and coming together, and moving forward, can only happen if you start investing in people and start promoting peace everywhere.

7. How can civil society most effectively engage with your mandate and other UN Special Procedures to advance enforcement of international law in the Occupied Palestinian Territory?

I think civil society has been pretty active, but they need to continue to be as vocal as possible. They need to find alliances and coalitions and networks across different opinions and regions and areas, which does not always happen, but it is happening and that is important, that voice of civil society that is global. I think it is there, but it does not always come across quite as strongly as one would like.

There is also a chilling effect when you have penalties imposed. have also faced the situation of sanctions. You have attacks against the ICC, and now we have sanctions imposed against the Special Rapporteur on the Occupied Palestinian Territory. What is very appalling to me is the lack of action to ensure her security and safety, which should be done. I think that is the responsibility of the Human Rights Council and the Member States who have appointed us. We are doing this pro bono; we are not getting paid, and this is in addition to earning our livelihoods. They really need to show far greater support in very concrete ways. We have been talking to the Human Rights Council and Member States, saying that we need more concrete actions to support and continue our work. This is the tip of the iceberg: today, Francesca [Albanese, the Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967] is being targeted; tomorrow, it is going to be all of us.

If the UN is serious, then they really need to think of what measures that it can take to ensure that the Special Procedures and the independent voices of human rights are protected.

8. What immediate actions should be taken by States, by the UN, and other international actors now that the 12-month deadline has passed without compliance?

One of the most positive things that I think has happened in relation to Member States is the Hague Group. States should all start adopting the measures endorsed by thirteen States at the Emergency Conference of The Hague Group in July 2025. I think the six measures are extremely

important because they talk about how to get States to commit and take the actions needed to avoid contributing tools, enabling or facilitating any kind of genocide, war crimes, crimes against humanity, and other violations of international law. I am really pleased and applaud those States who have said that “we are starting now, we are not waiting”. I think that is really great. Some of these measures we have also said need to be taken, for instance, stop providing or transferring arms and munitions, military fuel, related military equipment, dual use items etc to Israel. Why are the States not doing it? If you are not doing something, then you are complicit in the outcome of what is happening. I think that is something that the States are realising: they should be looking to stop the transport, the docking, the movement, vehicles, vessels, anything that carries your flag or your nationals. I think the stopping of arms and munitions, military fuel, and all of these are good measures and something which can be done.

States also need to urgently start reviewing all the public contracts that they have. For instance, Norway has started to look at where their investments are and to divest. I think all States have an obligation to start looking at where their investments are and how much of those are contributing to what, to me, is clearly a genocidal war in Gaza that will extend to the Occupied Palestinian Territory. I know that, because the situation in Gaza is so intense, we often forget the West Bank, but I have also met students from there and they have also been targeted, and their universities have been targeted. They are being frightened into silence, and they are being deprived. Professors are not allowed to teach there. I think looking into these public contracts is important because impunity for Israel on these matters needs to cease.

I think these are important steps that have been outlined by the Hague Group, and they also are underlining that this would be complying with their own obligations as given in international human rights law, as well as international humanitarian law. They are also talking about robust, independent investigations, as well as prosecutions at both the national and international level. These States who commit to the Hague Group’s action points should support universal jurisdiction, and where applicable, in their legal constitutional frameworks and judiciary. I think this is the most positive thing that has happened recently.

There are also talks generally which have not materialised, for instance, how people should think about not having the General Assembly in the US. Do we really want that when they have sanctioned Francesca Albanese? And while we do not know if it is going to happen, we hear that their attitude towards the Palestinians is that they are not going to allow them to speak at the General Assembly. If that is the case, maybe the next General Assembly should be held in Geneva instead of there. We need to think about ways of bringing home that this is not something which is just about moral commitments and talking. Concrete actions have to be

taken to pressure Israel to stop its genocidal war and its attempt to completely take over the Occupied Palestinian Territory, which we have heard from both settlers and the people in authority in the Israeli government. I do not think they are hiding what their intention is.

9. What roles do universities in third States have, and what actions should they be taking?

Universities have a role to play. For instance, in Ireland, some of the universities that divested were put under pressure by civil society; it was not that the universities proactively said that they were going to stop what they were doing. It is already a problem if universities in general are supporting the war industry. I do not think education should be about the war industry; you should do that research somewhere else. But universities need to divest proactively now. You cannot stay silent. Often, there is no transparency and that is what students have been doing, by looking at their university, where their investments are, and who is giving support for what kind of research that is going on in their universities. I do not think that people have done that before.

Increasingly, we have been seeing a reduction of public funds for universities and higher education, and the universities are looking to find funds from the private sector. Some of the private sector is related to the war industry. We have to ask ourselves, is this really what we want our universities to be doing? How does that influence the whole academic freedom and freedom of expression?

In general, I think universities and education have to be something which allows every individual to create, to think, to be different, to bring in new ideas, to be part of the whole process of learning. Education is not just a question of gaining skills for the market, and I think that the idea that this is all education is for is problematic. Education often gives you lifelong friends and it gives you ideas. For the Palestinians, I think this is so important because they should be able to develop their collective sense of identity, and educational institutions play a very important part in this.

All universities need to be thinking about whether they are creating an atmosphere that allows creativity to flourish. To flourish, I think education has to be able to question what is given as “given realities”. This is something I have spoken about in the past. Education is about questioning “given ideas”, both by your family but also in the university. If I see academic freedom being undermined by universities and they are clamping down on what you can say inside the university, on campus, and outside campus, it is a problem because you are then

preventing people from reaching their full potential. We are preventing the world from benefiting from creativity, which may be absolutely essential for our continued survival.

10. In your view, what would be a credible and legally grounded roadmap to bring the occupation to an end and achieve justice and self-determination for the Palestinian people?

I do not think I have a roadmap, I think we are all looking for that roadmap. However, I think that first of all, you need to stop the hostilities. They have to stop immediately. You are not going to have any roadmap if this continues. They are starving people to death and there is still no action. The first thing to me, looking to the future, is that nothing can happen without the hostilities ending. We need to stop the war and the hostilities immediately so that you can have discussions, so that you can think of a roadmap.

International human rights law is absolutely clear in terms of what should not happen. I think what we are looking at here is to find sufficient political will to make sure that there is sufficient pressure, and I do not see that happening. But as I said, I am really happy with the Hague Group, which seems to be moving forward, and which is providing a pathway if other States start following that through. Israel is not listening; 12 months have gone by and there has been no action.

We have engaged with Israel. We have written allegation letters multiple times over the almost two years now. We do not get a response in most cases. They are not listening. Israel acts with impunity but there has to be some penalties on Israel. I am sorry if that may impact the people of Israel, but we are talking about the State of Israel. I think we are now seeing some voices within Israel, and we have a number of people who have started speaking out. Admittedly, their key priority is the release of the hostages, but they are also asking for the war to stop. We have heard people from the military background from Israel saying that there is no point in continuing this war. However, the government does not seem to be listening to its own people, so it is a very distant thing that they will start listening to these independent voices who are individuals in the UN system. Therefore, I think the primary responsibility falls on all the other States to make sure that we move forward on this because the ICJ and the General Assembly have not been able to make Israel respond to their 12 -month deadline. Nothing happened. The legal obligations and the problems remain the same. Until the rest of the international community starts making noises and starts acting, in ways that will put pressure on Israel, I do not see a change happening immediately.

Reem Alsalem

*UN Special Rapporteur on
violence against women and girls,
its causes and consequences*



Interview with Reem Alsalem, UN Special Rapporteur on violence against women and girls, its causes and consequences

21 August 2025

Reem Alsalem, a human rights expert, was appointed in 2021 as the UN Special Rapporteur on violence against women and girls, its causes and consequences. With a background in gender, refugee protection and transitional justice, she has worked across multiple countries and focuses on emerging forms of gender-based violence and systemic discrimination.

1. How does this advisory opinion intersect with your specific mandate? What challenges do you foresee in integrating it into your mandate's ongoing work?

As a general comment, I feel that the decisions by the International Court of Justice and other courts and prosecutors engaging on Palestine have so far not sufficiently taken into consideration the gendered impact on women and girls and the specific way in which Palestinian women and girls have experienced apartheid, occupation and their consequences. I feel that as a Court, the ICJ has an obligation to do more on this. At the same time, I know that Judge Charlesworth did make a reference in her [Declaration](#) appended to the ICJ's 2024 Advisory Opinion to the impact of racial discrimination by Israel on Palestinian women and has emphasised the importance of adopting an intersectional lens, but I was disappointed that it did not make its way into the ICJ's decision itself in more detail. Because, of course, when it comes to apartheid and when it comes to its consequences on Palestinians, we are not saying that women suffer more than men, but that they suffer sometimes in a different way, and often. Cascading from the sex and gender-blind opinion of the ICJ, was the equal absence of references in the General Assembly Resolution A/RES/ES-10/24, another valuable opportunity lost to highlight and document these specific experiences of Palestinian women and girls who constitute, after all, half of Palestinian People, and to demand accountability for them.

And it is important that this is also reflected in the decisions, particularly that these are very serious consequences for women and girls, for their children, for their ability to have a family life, their freedom of movement, their access to health including reproductive health, thereby also increasing their vulnerability to other forms of violence, such as domestic violence but also marginalisation. International and national courts, prosecutors, and independent human rights mechanisms must do more on the this. It is an human rights obligation towards women and girls and it will serve to also improve accountability for sex and gender specific crimes that are committed in Palestine and around the World.

Two years ago, in 2023, I dedicated a whole thematic report to the issue of statelessness, nationality and violence against women and girls. There I do mention very briefly the consequences of discriminatory practices by Israel against Palestinian women that marry Israeli citizens or permanent residents of East Jerusalem, can increase their vulnerability, including for example in child custody matters.

First of all, I see a lot of similarities between how Palestinian women are treated by the occupying force and the problems and violence that indigenous women and girls experience by colonial and neocolonial powers and actors and that continue today. The intent or purpose of these actions taken, the intent to inflict violence on the individual, but also on the collective through attacking women and children. They are used as part of the toolbox to uproot communities from their land, destroy their social cohesion and to destroy them as a group. This goes to the same idea of what I said when I said that Israel right now is inflicting reproductive violence as a genocidal tool, which as we know has also happened and continues to happen against Indigenous peoples, against Indigenous women and girls. We have the history of that in a number of countries such as Canada, Denmark—to mention a couple of examples.

2. What legal obligations do third states now have under international law, given Israel's failure to comply with both the ICJ's findings and UNGA Resolution A/RES/ES-10/24?

There have to be repercussions, not only for Israel but—as the Resolution has clarified—States and the wider UN have active obligations to take steps to end Israel's occupation as well: to distinguishing in their dealings with Israel between its own territory and the Occupied Palestinian Territory; to refrain from supporting or recognising Israel's unlawful presence, and to ensure accountability such as imposing sanctions or halting arms transfer that support the occupation and regulating trade, investments, and other activities to be in line with the ICJ's Advisory Opinion. These are not optional. They are not sort of a luxury, they are really obligations and if States fail in their obligations, there should be repercussions.

And I think States obviously have to do this, but also States have a duty to ensure that others under their jurisdictions do it. By that I mean also, for example, businesses that either operate in these States, or that carry the nationality or their headquarters are there. And that includes academic institutions as well as sports and art institutions. So not just military entities, but basically every actor across the world is obliged to cooperate.

So, in accordance with principle three of the UN Guiding Principles on Business and Human Rights, States must ensure that non-discrimination and equal protection is upheld under the

law. They must also provide guidance to businesses on issues of gender vulnerability and marginalisation. So, I would say that the general lens on gender and international human rights law means that you are obligated not to cooperate with entities and States and authorities that enforce apartheid. I have said so in my report on violence against women and girls in sport that I presented to the United Nations General Assembly in 2024 where I explicitly referred to the level of deliberate crimes and disregard for the lives and rights of Palestinian women. In that report I say that it is vital to integrate a human-rights-based approach in all sports activities and ensure accountability for both State and non-State actors implicated in egregious human rights violations, including against women and girls, in particular through measures barring their participation in sporting events. In other words, sports clubs that belong to, or play in settlements in the Occupied Palestinian Territory must be boycotted.

3. What legal or political barriers exist to implementing such measures, and how can they be overcome?

As documented by many human rights mechanisms, academics and organisations, it boils down to this: it is lucrative to support the occupation, and it permeates all aspects of life. The extent of this is being uncovered and many societies in many countries are waking up in shock to the extent of this complicity and entanglement of all institutions and businesses in support of Israel's enterprise.

Then there is the fact that Israel continues to enjoy widespread impunity for its crimes and feels only emboldened by this impunity, facilitated by the protection of a number of strong States, particularly the US. The US, Israel's primary ally, has consistently opposed UN measures critical of Israel, including voting against the UNGA Resolution. Its veto power in the Security Council blocks binding measures. Other allies have resisted unconditional withdrawal demands, prioritising a negotiated two-state solution. The wider international community however can overcome these by pushing for more action and adherence through the United Nations General Assembly and for also adopting their own robust measures at the national level. It is also clear that with continued international pressures, particularly at the economic and popular level—treating Israel as a pariah State—Israel will continue to feel the heat and will force it sooner or later to halt its illegal practices, or at least some of them.

One last barrier is the continued lack of a principled and strong position by the UN and its leadership capitalising and building on this General Assembly Resolution. The UN is paralysed by the funding crisis, the division of the big powers, and Israel's long-standing campaign and attacks on the UN as a whole but also some of its agencies such as UNRWA.

4. What will the long term impact of the current situation be from your perspective?

I think we have to look at the global picture of what is happening with regards to the onslaught on these international legal bodies. and threats on the ICC (International Criminal Court) prosecutor, the judges, and the sanctions imposed by the US on the ICC. This all has ripple effects. It is all meant to pass a message. It is all meant to intimidate and dismantle international accountability and justice.

And so, if these efforts undermine legal accountability for very serious crimes, then we have a further erosion of the rule-based order, which we have continued to see. You also have the unprecedented sanctions on my colleague, the Special Rapporteur on the Occupied Palestinian Territory, which we have never seen before.

This has a very serious impact on the ability of independent legal courts to do their job. They are operating in very precarious, very risky situations. It is going to be interesting to see what the world will do in September, because the failure then to take this deadline seriously is also going to be telling where the international community, where world powers want to take the issue of international accountability. If nothing happens with this deadline coming, then collectively we are sliding deeper into the quicksand of lawlessness. If the Court issues an opinion, the General Assembly puts a deadline for its implementation and nothing happens to those that fail to respect it, including Israel, this sets a very negative precedent.

From the perspective of my mandate, there is an irreversible blow to the rights of women and girls and their protection during times of peace, but especially times of war. The continued genocide in Gaza and the uptake in the crimes committed in the West Bank have severely undermined a rules-based order. I have always said what happens in Gaza does not stay in Gaza and the impact ripples and reverberates globally. The silence of many feminist organisations and governments—and even the active support of a number of them to Israel's policies—have also exposed feminism and undermined it. This will make our task of advocating for women's rights anywhere harder. Perpetrators of violence against women and girls are already resorting to "whataboutism"—not totally unjustified. For, if the world can see and accept that 28,000 Palestinian women are slaughtered in front of us, what legitimacy do we have to demand an end to the killing of women in other contexts that receive even less visibility. Who will listen?

5. What practical steps should the UN General Assembly take in response to Israel's defiance of the ICJ and the UNGA resolution? and What concrete accountability measures (e.g.,

sanctions, arms embargoes, suspension of trade with settlements) should now be prioritised by states and the UN system?

Maybe there needs to be a case in front of the ICJ against States that are not cooperating in enforcing the ICJ ruling, so either an Advisory Opinion or something else of that sort. I think that the non-cooperation, non-enforcement of the ICJ decision rises to the level of being a threat to international peace and security. So, this is something that has to be discussed in the General Assembly under Uniting for Peace, and also in the Security Council. It cannot just be considered business as usual.

It is a mixed bag because, on one hand, my sense from observing is that there has been an unprecedented number of cases submitted by States in front of the ICJ against Israel on all kinds of things, on the genocide, on UNRWA, and so on and so forth. This huge level of mobilisation is something I would say is new. I do not think we have seen it anywhere else. What I find concerning is that we know that many of the countries that have also used strong rhetoric against Israel but have continued to collaborate with Israel, have continued to either export arms or have continued to maintain other kinds of relations, including from entities, businesses, and with actors that enforce apartheid, enforce the occupation, so continue to carry out illegal activities. In a way, this has allowed some countries to gain time, to say 'yes, but we are doing all this with the ICJ and we are doing what we can, we are speaking out about Israel', but then the reality is something else.

The other very positive thing is that if countries have moved in any shape or form to take measures against Israel, it is thanks to the pressure from their own citizens through divestment campaigns, consumer boycotts, and crowdfunding campaigns. We have seen an unprecedented level of self- organisation and mobilisation at huge personal cost to the organisers. We have also seen individual and grassroots initiatives to prosecute. The many efforts to use universal jurisdictions in national courts where they still apply, to put pressure on businesses to stop collaboration, to call for the boycott of persons that continue to be very clearly aligned with Israel or supporting its genocidal machine—I think this is also very positive. We have never seen that in the past, that this level of mobilisation to ensure accountability, to keep the pressure up, to the level of citizens being informed also about crimes that are happening. This is happening even at the cultural level, such as song concerts, sports and film. And again, none of this would have happened if it were not for Palestinians televising their own demise and genocide. We have not seen this either at any point in history that we are seeing on our screen people being subjected to a genocide.

6. How can the Special Procedures better collaborate with the Human Rights Council and other UN mechanisms to promote enforcement of the Advisory Opinion and UNGA Resolution?

Like other human rights mechanisms, we have a duty to monitor and report on the compliance with the Resolution and with the ICJ's Advisory Opinion. We must also raise awareness about these two documents. Unfortunately, we are severely constrained in our capacity which has only become exacerbated in light of the recent funding crisis. Even prior to this latest sharp funding crisis, the human rights procedures received less than 1% of the funding. This, despite the fact that we are the least expensive part of the system—as mandate holders do not get paid for their service as mandate holders. And now there will be even less resources. To just give you an example, my mandate is global, and I now have one officer from the Office of the High Commissioner for Human Rights that supports me to cover the whole world, given it acts as the secretariat for special procedures. It is a drop in the ocean and grossly inadequate.

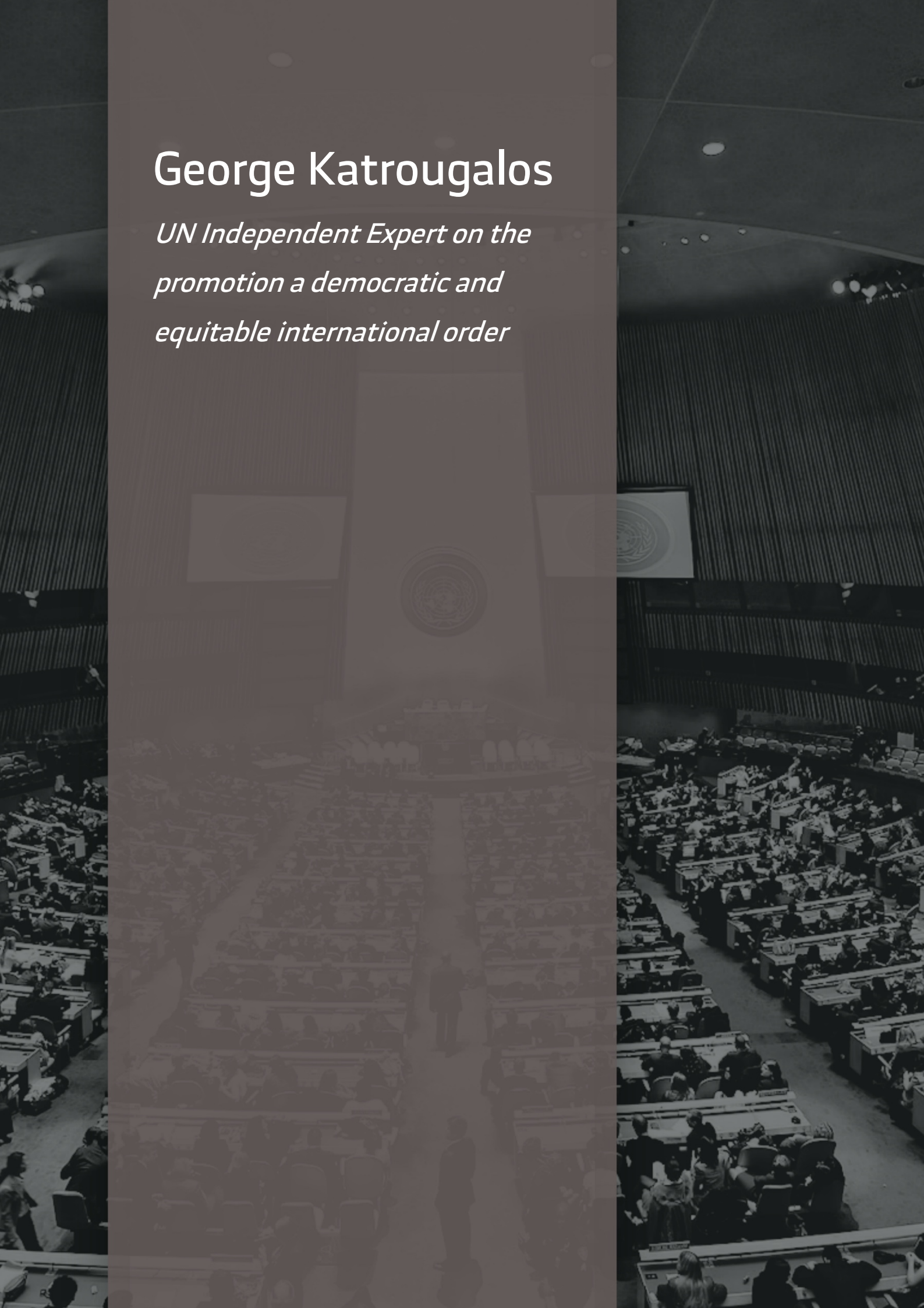
I feel that there is therefore less and less support for Special Procedures for the work that we are doing, in part because we have also exposed these double standards that I have just told you about. I think maybe some countries were hoping that we would focus only on specific situations, the 'bad boys club'. The genocide in Gaza and the reactions of a number of governments that have always positioned themselves as advocates for human rights have exposed the double standards and the emptiness of the human rights discourse by many. We have seen this through the crackdown on pro-Palestine demonstrations and speech, the support for the indiscriminate targeting and killing of civilians.

With respect to my mandate, it has been very concerning to see that there was no widespread condemnation of the systematic and large scale sexual and gender based violence inflicted on Palestinians also since October 2023 and that has been well documented by a number of human rights mechanisms including my mandate and the Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel. Worse is the implicit or explicit repeat of unfounded allegations generated by Israel and repeated by western media and governments (such as the beheaded babies, the babies in the oven, the supposedly large scale sexual violence) as to what happened on 7 October and that any crimes that were committed by Hamas and other Palestinian factions somehow justify the collective punishment of the Palestinian People and the total disregard for humanitarian and human rights law.

Going back to the question of what can be done, the UN main apparatus, be that the General Assembly or the UN Security Council, could also request the appearance and reports of the Special Procedures on the adherence to the GA Resolution and the ICJ Advisory Opinion.

George Katrougalos

*UN Independent Expert on the
promotion a democratic and
equitable international order*



Interview with George Katrougalos, UN Independent Expert on the promotion a democratic and equitable international order

19 August 2025

George Katrougalos is a Greek legal scholar and former Foreign Minister, currently serving as the UN Independent Expert on the promotion of a democratic and equitable international order. A professor of public law at Democritus University of Thrace, his work focuses on constitutional law, social rights, and global justice frameworks.

1. How does this advisory opinion intersect with your specific mandate? What challenges do you foresee in integrating it into your mandate's ongoing work?

It is very relevant for my mandate, the democratic international order. International legality is facing a lot of challenges, unilateral actions, and a neglect of norms that were respected one way or another until now. Another great challenge is double standards, especially in some Western countries; I am afraid this is also the case for the European Union. What is now important for the whole system of the United Nations is to uphold the international legal order, as defined primarily by the United Nations Charter, and to uphold Human Rights Law, as defined in the Charter and two covenants. The Opinion is really offering a sweeping overview of the situation in the Occupied Palestinian Territory under the fundamental legal norms I already mentioned, and also the Geneva Conventions.

But what I would like to stress is that not only is it relevant for Palestine, but it is also for the Middle East and the lawlessness that is reigning there. And it is not just in Palestine, Lebanon, Syria, and Iran. We see a lot of actions that go outside and beyond international legality. This is a more generic, crucial issue related to whether we are going to have international legality based on human rights and the principles of the United Nations Charter. And for this reason, it concerns everybody, all citizens of the world.

2. What legal obligations do third States now have under international law, given Israel's failure to comply with both the ICJ's findings and UNGA Resolution A/RES/ES-10/24?

The opinion is very analytical. It distinguishes between the obligations of Israel of restitution, compensation, and satisfaction, and also the obligations of the other States who are complicit if they do not react to the illegality of the occupation of Palestinian Territory. I must stress again that another reason the Opinion is very relevant and pertinent is that it does not limit itself to a pointillistic view of the illegality of some concrete actions Israel. It examines

all issues, annexations, settlements, and negation of the right to self-determination, but it adds something critical: that the dominant presence itself of Israel in the Occupied Palestinian Territory is unlawful. It is against international law, because it is against the right of self-determination of the Palestinian people. This has been said, we are now facing the major problem that international law has within itself, as an inherent problem: We do not have enforceable sanctions at the international law level in the same way that we have in the domestic legal orders. According to the Anglo-Saxon theory of law, Dicey, for instance, there is no law if there is no remedy. There are, however, many cases in international law where we have a very strong Opinion like this from the International Court of Justice, but there are no immediate means of action to enforce it. This does not mean that we lack altogether similar means.

We must use our imagination to find suitable legal remedies at the level of international and domestic order. Just to offer an example from a completely different context. Pinochet was sent to Chile to be tried because a prosecutor in Spain had the inspiration to send a warrant to the United Kingdom, related to crimes of the dictator against Spanish citizens. And in this way, the fortress of immunity, of protection that this dictator built around himself, suddenly collapsed. We can imagine different ways that NGOs could go to domestic courts, especially in jurisdictions where the constitution has specific provisions regarding respect for international law, respect for peace, and respect for international legality. The road is also open for other States to bring the matter into the jurisdiction of the International Court of Justice, including against States, which are becoming complicit with their actions or their inactivity.

But I would like to stress something even more important, in my view. Law is just one of the factors that determines international relations and the global balance of power. It is not irrelevant; it is a very strong element that determines the structure of the international system. But even more important than that is the political weight that has the influence of the public opinion. Sometimes, we speak metaphorically about the diplomacy of the people in relation to the diplomacy of States. Still, the official diplomacy is heavily influenced by the mobilisation of people. I come from a State, Greece, which won its statehood because of our revolution but also because there was a massive public movement of the international public opinion, the Philhellenism, supporting it, against the powerful Ottoman Empire.

We have seen a similar victory of the people on the war of Vietnam, when it became evident that it was an unfair war, a war not just of Goliath against David, but also a war that against any principle of international law. That same understanding is now becoming dominant regarding Gaza in the international public opinion. In the Global South, it was fully

understood from the beginning, because the latter has always been a victim of similar colonizing or imperialist practices. But we must never forget that there is a "South" even in the North: The majority of the population in the North has the same interests as the peoples of the developing countries. We have seen how the massive demonstrations, have gradually made the governments in Europe shift from their initial unconditional support to Israel. This shift is not yet to the level that we would like, but we are now seeing a movement towards recognition, of statements against the genocide, and even in Germany, a partial stop of sale of some arms to Israel.

My point is that this Opinion is very important, not just at the legal level, but because it helps us demonstrate how unfair, how unjust what is happening in Palestine is. The basic motivation for all people to mobilise themselves is exactly this feeling of injustice.

3. From the perspective of your mandate, how does this shift in public opinion affect how we understand democracy? How does the question of Palestine galvanise or raise questions about the democratic order in general?

I think it is the best example of how, sometimes, we cannot see how obviously double the standards are that we are using. I have seen now, on the occasion of the Alaska meeting, a lot of references to how somebody who is accused of war crimes, and who has a warrant of the International Criminal Court against him, can visit another country. When PM Netanyahu was visiting many European countries, this was not an issue for the governments; although it was, of course, from the viewpoint of the movements and many of the mandate holders of the Special Procedures. I think it is a catalyst, what is happening in Palestine. First, to understand that if we want to have respect of international legality, we cannot have double standards. Second, to understand something even more profound and more basic than that, that there is a commonality of interests between the peoples of the North and the South. We must mobilise ourselves to what we consider to be the common goals of all of us: public goods, like the environment, like peace, social rights, but also the right of self-determination of a small people, like the people in Palestine.

4. What are the specific tasks for States and international organisations, including the UN and civil society, to support the right to self-determination? What is actually required for self-determination?

I would say that there are two elements that we must have in mind. First of all, the right of self-determination. That means statehood. It is obvious that after the Opinion of the International Court of Justice, there is a legal obligation to recognise the state of Palestine.

That was also the case in the past, but now we know it from a more authoritative source, that it is not just a political obligation, it is a legal one. Then there is the issue of complicity of the States which not only do not recognise Palestinian statehood but also continue to have relations with Israel in the domains that the Opinion has stipulated are illegal and contrary to international law. For example, any kind of economic transactions with Israeli entities in the Occupied Palestinian Territory. But it is also the case regarding the sale of arms, especially for arms that are going to be used in the genocide in Gaza. What has been the basic slogan of the public movement regarding the divestment, sanctioning and boycott, it is the essence not only of the political goals but also the legal obligations of the States.

5. What mechanisms exist, and what are the gaps in the framework, in ensuring that companies follow the guidelines or framework of the ICJ Advisory Opinion?

We should absolutely extrapolate responsibility to the big companies. This is one of the central issues that we must face in the emerging new multipolar world. The old concept that limits international law to only between States is now obsolete. It is obvious that now, the big multinational corporations are more important and stronger than many middle States, not just the small ones. There are efforts in the United Nations system, especially in the Special Procedures, to find ways to make companies accountable for their actions. As I said before, using our legal imagination, even at the domestic level, we can find ways of mobilizing legal remedies against these corporations. We have in the past seen similar examples regarding major ecological catastrophes in India and Nigeria, where multinationals have been held accountable. But I am again returning to my basic argument that law is just one of the levels of our struggle. Law itself is a battleground. When the law is established, when the law is interpreted, when the law is adjudicated, it is always a battleground, not just of conflicting ideas, but also of conflicting interests. If we understand that, we understand how important the politics below the law is, and therefore how essential the mobilisation against the practices of these multinationals is. Why was the reaction against Francesca Albanese's last report so vehement? Exactly because she has exposed the policies of these multinationals, and in this way, it exposed them for what they are; not as defenders of the general interest and promoting what is good for all of us, but as companies that are complicit in genocide. This by itself helps us to see how we could, for instance, boycott some of these companies, how we can establish other strategies at the political level, at the level of the grassroots movements against them. It is a multi-dimensional struggle, and we must all try to see from our own angle what we can do about that.

6. What strategies can be deployed by international civil society organisations to engage in the actions outlined by the ICJ Advisory Opinion?

Again, I am going to say the obvious: we act locally, but we must think globally. One of the attributes of globalisation is that, as we have seen, in Seattle, in Genoa, now about Palestine, a global public space emerging where we are confronting the same issues and we are trying to combat common enemies, by making the same alliances. It is very important, first of all, to keep this internationalisation of civil society movements alive and to protect these movements when they are attacked. We see in the United Kingdom, in France, efforts to make the mobilisation of pro-Palestinian groups illegal under the guise of anti-terrorism, which is completely out of the question. For this reason, we had to react as Special Procedures against the disbandment of civil societies in the United Kingdom, in France, and in Germany, where they may have even more problematic attitudes regarding the civil society movement.

7. Where do the Special Procedures fit into this? What more can the Special Procedures do, in their capacity as part of the Council but also as external experts that do not strictly belong to the UN? What can the Council itself do differently?

The Special Procedures are a very special animal in the United Nations ecosystem, an interface between the statehood that is still the basic element of the United Nations and civil society. With different backgrounds, all of us are independent experts, so we are not subject to serve any kind of *raison d'état*. We combine our expertise with the feeling of what is fair, what is just, what is unfair. I think this is the basic strength of the Special Procedures. Now, we also have the exceptional luck to have Francesca Albanese, who really impersonates this spirit of combination of activism and expertise, which is not easy to have. Not all of us are like-minded; we are a group of more than 60 persons. Most of us understand what I consider to be the essential issue: respect of international legality and respect of the rights of all people. We have tried, and to a very important degree we have succeeded, to have collective action in this direction. We are one of the factors that help determine the legal core of the argument. Also, what we are doing now with participating in civil, grassroots movements when this issue is discussed in different countries of the world, is important.

8. Engaging with States to implement the General Assembly Resolution and ICJ Advisory Opinion is a key challenge that we face. Are there other things that Special Procedures can do in terms of engaging with States on these specific issues?

What is happening with the Hague Group is a clear example of how Special Procedures can help mobilise not only peoples but also States. I am also trying to raise some kind of self-consciousness within the European Union, as I used to be a foreign minister in one EU country. My basic argument is that the European Union must stand as an independent pole in this multipolar world, not just be an accessory to the American foreign policy. If we continue to claim that we are a union based on law, on the principles of human rights, that must be transferred into real action. I am also trying to demonstrate how we can try to overcome this old divide between North and South. Colonialism may be a history of the past, but the legacy of colonialism is present. If we want, as Europeans, to be relevant and an important factor in the new multipolar world, we must understand the obligations we have vis-a-vis our history.

Let me be a little more specific on that. Not all governments have reacted in the same way. There are countries like Spain and Ireland at the avant-garde of what the European States should do. My hope is that other countries will follow their example. It is also in the long-term interest of the Europeans to have their own strategy vis-à-vis this issue. It concerns not just the Palestinian issue, but it is again related to whether Europe in the future is going to have an autonomous role in the international legal order. There is a pun that President Juncker, President of the Commission, used to say, that in Europe there are two categories of States: small States, and States which have not realised yet that they are small. If we understand this is the situation, we must try to think in a different way than this of our present European leadership.

9. Do you envision legal action at the EU level to ensure that the European Union as a whole is in line with the requirements of the ICJ Advisory Opinion?

It would be interesting to see legal action before the European Court of Justice or even the European Court of Human Rights in Strasbourg. At the domestic level, in many European countries there is still this French doctrine of acts de government, which does not allow for questions of foreign policy that are closely related to *raison d'état*, to be put under judicial control. But this doctrine is under attack and at many levels, for instance regarding deportation, it has been considered obsolete. As lawyers, it is our way to carry out political struggle through the courts. We must try. Of course, not every effort is successful, but every effort is making us wiser for the next move.



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