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Wednesday, 31 January 2024, 11 a.m.

New York

President: Mrs. Broadhurst Estival. (France)

Members:

Algeria.	Mr. Bendjama
China.	Mr. Zhang Jun
Ecuador.	Mr. De La Gasca
Guyana.	Mrs. Rodrigues-Birkett
Japan.	Mr. Yamazaki
Malta.	Ms. Gatt
Mozambique.	Mr. Afonso
Republic of Korea.	Mr. Hwang
Russian Federation.	Mr. Nebenzia
Sierra Leone.	Mr. Sowa
Slovenia.	Mr. Žbogar
Switzerland.	Mrs. Baeriswyl
United Kingdom of Great Britain and Northern Ireland. . .	Dame Barbara Woodward
United States of America.	Mrs. Thomas-Greenfield

Agenda

The situation in the Middle East, including the Palestinian question

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The meeting was called to order at 11.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Israel and South Africa to participate in this meeting.

I propose that the Council invite the observer of the Observer State of Palestine to participate in the meeting, in accordance with the provisional rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Martin Griffiths, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, to participate in this meeting.

The Security Council will now begin its consideration the item on its agenda.

I give the floor to Mr. Griffiths.

Mr. Griffiths: I thank you very much indeed, Madam President, for the opportunity to update the Security Council today. I am also very grateful to you for allowing my colleague to sit in for me once I have made my remarks.

Each day that passes, of course, only deepens the misery and suffering of people in Gaza, and indeed in Israel. The number of people killed in Gaza has reportedly now surpassed 26,000, and the number of injured reportedly more than 65,000, according to Gaza's Ministry of Health. The vast majority are women and children. We have heard those figures before, and they keep mounting. We have also heard challenges as to whether or not they are the right source, but it is the source that we have been using for some years.

Just 14 of the 36 hospitals in Gaza are functional, and those only partially. They face severe shortages of medical staff and supplies. Fierce fighting, as we know, has continued in the vicinity of the Nasser and Al-Amal hospitals in Khan Younis, threatening the safety of medical staff, the wounded and the sick, as

well as the thousands of internally displaced persons seeking refuge there. The intense fighting around Khan Younis continues to drive thousands of people into Rafah, which is already hosting over half of Gaza's population of 2.2 million people. The compression of people in Rafah is a major issue of concern for all of us, but especially for us in the humanitarian agencies.

Across Gaza, over 60 per cent of housing units are reportedly — allegedly — destroyed or damaged. We now estimate that some 75 per cent of the total population has been displaced. Their living conditions are getting worse each day. Heavy rains are flooding the makeshift tent camps, forcing children, parents and the elderly to sleep in the mud, if they can. And clean water is almost completely inaccessible. With little public health support available, preventable diseases are therefore rife, and they will continue to spread and, if they have not already, will become the chief killer of Gazans.

As I mentioned in my briefing to the Council a couple of weeks ago (see S/PV.9531), the further spread of hostilities southwards, along with the increasing deprivation and desperation of people there, can only be expected to increase the pressure for mass displacement into neighbouring countries — the so-called spillover. Some Palestinians in Gaza have already been able to leave through Egypt. In the meantime, there are seriously injured and sick patients unable to receive care in Gaza for whom medical evacuations should be swiftly facilitated, and we know that is a matter of daily negotiation in the group of the Coordinator of Government Activities in the Territories (COGAT), which meets daily to discuss all the logistics and plans for the humanitarian operation. Of course, I want to point out that such evacuations are in line with international humanitarian law, which in certain circumstances encourages arrangements for the evacuation of the wounded and sick, persons with disabilities, older people, children and pregnant women. I personally vividly remember removing people in those categories back in 1997 — imagine that — from the Tingi Tingi camp in the Democratic Republic of the Congo, in the Kivus, and they were allowed out before the camp was attacked. I also want to emphasize once again that anyone displaced from Gaza must be guaranteed the right to voluntarily return, as international law demands.

I know that the members of the Council heard yesterday from my colleague Under-Secretary-General Sigrid Kaag, the Senior Humanitarian and

Reconstruction Coordinator — to give her her clunky title — regarding her efforts to expedite the delivery of humanitarian assistance to Gaza. The ability of the humanitarian community to reach the people of Gaza with relief remains grossly inadequate — and even saying that is grossly inadequate, because it is far more difficult than that. I was in a conversation yesterday with a senior director of the World Food Programme (WFP) who had just come out of Gaza, and who said that it is the congestion, the rain, the lack of certainty about what tomorrow will bring and the lack of fuel, supplies and deconfliction, as much as anything else, that make the humanitarian operation so difficult. But it is not for want of trying. Despite the hazardous conditions on the ground, we are distributing food to shelters and supporting the remaining bakeries, and I think that the WFP is also doing that through cash assistance. We — that is, the World Health Organization, Médecins Sans Frontières and others — are delivering medicines and medical supplies and helping to relocate patients. Water, hygiene kits, cleaning kits, tents, tarpaulin sheets and blankets are also being delivered by UNICEF, the International Organization for Migration and others. But the quantities of all those supplies are of course far from adequate, given the numbers of people compressed into this tiny, congested, muddy part of the world.

In that regard, if the people of Gaza are to receive anything approaching the amount of humanitarian assistance they need and deserve, urgent steps must be taken. And I am sorry to have to repeat things that the Council has heard before.

First, we need to be able to deliver and distribute supplies safely. That means that we need significantly improved security assurances. We need to be able to rely on deconfliction there, just as we need to rely on it elsewhere.

Secondly, we need a predictable flow of supplies. One of the very human parts of a humanitarian operation, especially in circumstances like this — and we have heard it in Gaza — is how important it is for people to know when the next round of supplies is coming, so that they know they can eat the food they have now, because by next week there will be more.

Finally, of course, we need rapid and unimpeded access. We need to be able to enter Gaza via multiple points from Egypt and Israel. That would help clear bottlenecks and speed up the delivery of supplies. We continue to face the issue of Israel's rejection of

much-needed items for entry into Gaza for reasons that are unclear and inconsistent, at least to us. And as we know anecdotally, the whole truck gets sent back if there are items on it that are possibly dual-use and therefore prohibited.

We need to have access to civilians in need throughout Gaza. At present, our access to Khan Younis, the middle area and north Gaza is largely non-existent. A colleague of mine is on his way to make a second assessment in the north as we speak. James McGoldrick, Ad Interim Deputy Special Coordinator and Resident Coordinator and Humanitarian Coordinator for the Middle East Peace Process, is leading efforts to scale up operations in critical areas. He is a very practical person, with huge experience in humanitarian operations. He worked for me 30 years ago at the humanitarian predecessor of the Office for the Coordination of Humanitarian Affairs. He looks at these matters in a very practical way and is therefore able to put forward plans and requests to the COGAT committee, which I believe meets nightly. He is not asking for the moon. He is leading efforts to scale up operations in critical areas. And he is very worried, as he has said to me in the past few days, about whether we will succeed in meeting the needs that we need to meet, especially if we are all lucky enough to see a pause to allow more in. We have also had difficulties in getting access through Kerem Shalom lately because of demonstrations. I think we were able to get in yesterday and also today. And of course Ms. Kaag is working on the so-called mechanism to improve, analyse and expedite the tracks of aid going into Gaza from outside.

The full breadth of the humanitarian community, including United Nations agencies, non-governmental organizations, the Red Cross and the Red Crescents, is collaborating to ensure that aid reaches people in need to the greatest extent possible. The Council will not be surprised to hear that the beating heart of all of that is the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and that it has provided shelter, food and water and medical assistance, even as its own staff are being killed, injured and displaced. I am firmly among those who are appalled by the allegations and the idea that some UNRWA employees were allegedly involved in the attack in Israel on 7 October. I have seen the movie. As we heard yesterday from the Secretary-General, the allegations are being swiftly looked into and addressed transparently. I am very pleased to

note — and I have had many conversations about this with Commissioner-General Philippe Lazzarini and others — that UNRWA has taken swift action on the evidence and that an investigation is already under way. But as so many Member States mentioned yesterday, UNRWA's life-saving services to more than three quarters of Gaza's residents should not be jeopardized by the alleged actions of a few individuals. It is a matter of extraordinary disproportion.

Likewise, UNRWA's support for Palestinians in need in the West Bank, where we have significant concerns over the worsening situation — as in Lebanon, Jordan and Syria — must also be safeguarded. We seldom talk about the West Bank, as Gaza is the centre of gravity of this terrible tragedy. It is tragic to think that the very small steps that we have been observing and that we discussed in the closed meeting the other day on Syria are at risk because of these events. But to put it very simply and bluntly: our humanitarian response for the occupied Palestinian territory is completely dependent on UNRWA being adequately funded and operational, and rest assured that we will all be spending all our efforts to try to make that happen in a way that meets the requirements of neutrality and assurances to those interested. UNRWA is playing an indispensable role in terms of distribution, warehousing, logistics and human resources, with 3,000 staff responding to the current crisis. Our Deputy Humanitarian Coordinator for Gaza is the UNRWA Director for Gaza. We chose him because he had the greatest knowledge of what was happening and the greatest grasp of what might be used. We would therefore like to see decisions to withhold funds from UNRWA revoked.

In conclusion, I repeat my request and demand for compliance with international humanitarian law, including the protection of civilians and the infrastructure on which they depend. Hospitals, medical personnel, patients must be protected. It is quite remarkable how, in recent days and months, health institutions, of all things, have become a target — not just in Gaza, not just in occupied territories, but in different parts of the world. The same applies to humanitarian aid workers, of all people. I therefore reiterate my call for the immediate release of all hostages. I have met them and their families as well. I call for their unconditional release and their humane treatment. I cannot end without repeating the Secretary-General's appeal for a humanitarian ceasefire, so that we can start rebuilding Gaza and giving its families a sense of a future.

The President (*spoke in French*): I thank Mr. Griffiths for his briefing.

I shall now give the floor to those members of the Council who wish to make statements.

Mr. Bendjama (Algeria) (*spoke in Arabic*): At the outset, I would like to thank the French presidency for its prompt response to our request to convene this meeting. I also thank Mr. Martin Griffiths for his thorough briefing.

Our meeting is held at a time when the aggression against the Palestinian people has been ongoing for almost five months. It is held after the International Court of Justice agreed to consider the case regarding the violations of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide committed in the Gaza Strip. The Court's historic decision reaffirms that the time of impunity has irrevocably come to an end. The United Nations and the international community have committed to ensuring that no criminal escapes sanctions. The Israeli occupier must not be an exception to that rule. It is essential to guarantee accountability in order to protect future generations from atrocities such as those currently being committed in Gaza.

As has been affirmed by the President of the Republic, Mr. Abdelmadjid Tebboune,

“history will consider all those behind the crime of genocide in Gaza as war criminals and enemies of life and humankind”.

We underscore that the provisional measures called for by the Court must be implemented to protect the Palestinian people from the genocide that they are currently facing. In that regard, we reaffirm that Israel, the occupying Power, must immediately comply with the measures adopted by the Court. It is incumbent upon the international community to ensure that Israel fully complies with those measures. It is imperative to put an end to the bloodbath and the genocide of the Palestinians.

The provisional measures adopted by the International Court of Justice cannot be implemented in any other way than through a ceasefire. It is imperative to cease this absurd aggression immediately. It is crucial to reach a ceasefire immediately. Those who oppose the ceasefire must appeal to their conscience and humanity. The atrocities that are happening in Gaza are rejected by sound humanity. Not having a ceasefire

means acceptance to the following: 250 people will be killed every day; 100 children will be killed every day; 10 children will be amputated every day, without anaesthesia; 170 babies will be born every day in Gaza on the sidewalk and at the doors of hospitals owing to the lack of health-care services; 90 per cent of people in Gaza will sleep out in the open air without having had enough to eat; 10,000 people suffering from cancer could die at any time because chemotherapy is not available. That is a humanitarian disaster happening before our eyes. It is a crime with the full characteristics of genocide. Nothing can justify the barbarity being perpetrated against the Palestinian people.

Justice has spoken and delivered its ruling. All who believe in an international rules-based order must work to implement the provisional measures adopted by the International Court of Justice. The Court has stipulated that Israel, the occupying Power, must immediately ensure that its forces refrain from killing any Palestinians. Israel must also take immediate and effective measures that guarantee the provision of the essential services and humanitarian aid that Palestinians in the Gaza Strip need. That was the ruling issued by the Court, and it requires an immediate ceasefire. The Security Council should immediately take all the necessary measures to ensure that the voice of justice is heard and to guarantee the implementation of the decisions of the International Court of Justice.

Mrs. Thomas-Greenfield (United States of America): I thank Under-Secretary-General Griffiths for his briefing.

There can be no doubt that the humanitarian situation in Gaza is dire. Yesterday Senior Coordinator Kaag outlined the steps the United Nations proposes to take to accelerate and expand the delivery of aid at scale. I was pleased that the Council endorsed and united behind her plan because her success in Gaza is the success of the United Nations in Gaza. The question before us today is what more can be done to facilitate her work to help expedite safe, unhindered and expanded humanitarian access, as called for in resolutions 2712 (2023) and 2720 (2023).

Some members have argued that the provisional measures ordered by the International Court of Justice are a reason to change course. But in many ways, the Court's measures reaffirm the framework that we put in place with resolutions 2712 (2023) and 2720 (2023). The Court's provisional measures order is consistent with

the United States' view that Israel has the right to take action, in accordance with international humanitarian law, to ensure the terrorist attacks of 7 October 2023 cannot be repeated. Of course, how Israel defends itself matters. Echoing resolutions 2712 (2023) and 2720 (2023), the Court emphasized that all parties to the conflict are bound by international humanitarian law. It also echoed the United States' repeated calls for Israel to take all possible steps to minimize harm to civilians and humanitarian workers, increase the flow of humanitarian assistance and address dehumanizing rhetoric. In our conversations with Israel's leaders, the United States has been clear, as has the Council, about the urgent need to increase the flow of food, water and medicine so that it reaches all the civilians in Gaza who desperately need it.

But while we all agree that more must be done and although we are all broken by the extraordinary loss of civilian lives, we must be honest about what the Court has not ordered. Specifically, it has not ordered an immediate ceasefire. It has not made any finding in this preliminary phase of the proceedings that Israel committed genocide or otherwise violated the Genocide Convention. And indeed, the United States continues to believe that such allegations are unfounded. We believe that rather than try to will a ceasefire into existence, when unfortunately the conditions to sustain it do not exist, we must instead work towards a durable solution to the conflict through the hard work of relentless on-the-ground diplomacy — diplomacy of the kind that the United States has pursued since day one of the conflict. It was through the hard work of diplomacy that we opened the gates of Rafah to the first trucks bringing assistance. It was through the hard work of diplomacy that the parties reached an agreement to release more than 100 hostages and surge aid into Gaza through an extended pause in November 2023. And it is through the hard work of diplomacy that we will create the conditions for a sustainable cessation of hostilities, as we called for in resolution 2720 (2023).

A sustainable cessation will reunite the hostages with their loved ones and allow critical humanitarian assistance to reach Palestinians in need. The United States has been working tirelessly with Qatar, Egypt and other partners in the region to reach an agreement that will see the hostages come home — hostages whom the Council has repeatedly urged Hamas and other groups to release and who the Court agrees should be freed immediately and unconditionally. The proposal on

the table is strong and compelling. It envisions a much longer humanitarian pause than we saw in November, and it would enable us to get the hostages out of Gaza and get more life-saving food, water and medicine in. These are extremely sensitive negotiations, so I will not go into all the details here. But I think we can all agree that it would change the situation on the ground and move the parties one step closer to the sustainable cessation of hostilities that we all desire.

Hamas set this conflict in motion on 7 October when it carried out the deadliest attack on Jews since the Holocaust. It now has a choice to make. It can continue to dig tunnels, plan for its next attack and use civilians and civilian infrastructure as human shields — or it can lay down its weapons and accept the proposal on the table to release every hostage. We all have an obligation to ensure that any action that the Council takes in the coming days will increase the pressure on Hamas to make the right decision. Of course, for this proposal to successfully change the dynamics for the better, the United Nations must be situated to dramatically expand its provision of assistance.

The disturbing and, according to the Secretary-General, credible allegations that 12 employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) were involved in Hamas's 7 October attack on Israel have shaken confidence in UNRWA at a moment that calls for scaling up humanitarian assistance. The United States appreciates the Secretary-General's serious approach to those allegations. Terminating the employment contracts of the personnel involved was a crucial first step. And we know that the Secretary-General has pledged to pursue further accountability, including through a comprehensive independent review of UNRWA, which should be swift, thorough and credible.

The United States has long been UNRWA's leading donor. We know that the Agency provides life-saving services under incredibly challenging circumstances in Gaza and that it contributes to regional stability and security through its work in the West Bank, Jordan, Lebanon and Syria. For that reason, and for the sake of the millions of Palestinian civilians who depend on UNRWA's services, it is vital that the United Nations take quick and decisive action to hold accountable anyone guilty of heinous actions and to strengthen the oversight of UNRWA's operations and begin to restore donor confidence. The United States' decision to temporarily pause its funding for UNRWA was made

independently of other donors. Let me be clear: it was not a punitive measure, but it is a wake-up call. We need to see fundamental changes at UNRWA to prevent this from happening again.

The last months have been nothing short of devastating, but I hope that this moment, in which the international community has united behind Special Coordinator Kaag, can be galvanizing. We have much more diplomacy ahead of us, but the path to begin de-escalating this conflict and to begin laying the foundation for a durable peace is clear. That is what Israelis and Palestinians deserve: a two-State solution in which both live side by side with an equal measure of peace, security and dignity. Let us all commit to making that vision a reality.

Mrs. Rodrigues-Birkett (Guyana): Guyana expresses its appreciation to the delegation of Algeria for requesting this meeting, and to Under-Secretary-General Griffiths for his briefing.

We meet for the fourth time this month on the Palestinian question. Each briefing brings reports of more lives lost and an ever-worsening situation in Gaza. We remain deeply concerned about the prevailing humanitarian situation and the continuing death and destruction that have enveloped the landscape of Gaza since the fateful events of 7 October.

Guyana has unequivocally condemned the 7 October attacks on Israel. We call again for the release of all hostages held in Gaza. We also call for the release of Palestinians unlawfully detained in Israeli prisons without trial.

Following developments in the war, and listening to the briefings by United Nations agencies, including what we heard today from Under-Secretary-General Griffiths, one may be moved to wonder whether a bounty exists on the head of every Palestinian child, man or woman. Many of those who have managed to escape the bombs and bullets face the dire prospect of death from starvation or disease. Can the Council keep silent in these circumstances? Of course it cannot. The international community, and the Council in particular, must spare no effort to end this cycle of bloodshed.

It was distressing to learn that 12 of the 13,000 staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) were alleged to have been involved in the 7 October attack against Israel. We look forward to the conclusion

of United Nations investigations into the matter and to appropriate action being taken. On that note, we are concerned that several countries have halted their funding to UNRWA on account of those allegations. UNRWA is indispensable to the people of Gaza and has for decades offered a lifeline to Palestinians. With the current unprecedented situation in Gaza, UNRWA cannot afford to lose a single penny. We look forward to a prompt resolution in the interest of the continued unhindered flow of much-needed humanitarian support to the people in Gaza.

Guyana maintains that a ceasefire is the first and most important step at this stage to halt the death and destruction in the Gaza Strip. We hope for a positive outcome of ongoing efforts by regional and other actors. The provisional measures granted by the International Court of Justice last Friday are clear — the killing of Palestinians must stop; bodily and mental harm to Palestinians must stop; and deliberately inflicting conditions calculated to bring about physical destruction, in whole or in part, must stop. Guyana urges strict adherence to international law, including international humanitarian law, and underscores the obligation of Member States in that respect.

The ultimate remedy to this continuing cycle of crises is the full implementation of the two-State solution, as outlined in various United Nations resolutions. Guyana looks forward to a new day for Palestinians and Israelis beyond the constant shadows of war. We are prepared to work with the Council and the entire United Nations membership to hasten the vision of two independent States living side by side in peace and security and of a peaceful Middle East.

Dame Barbara Woodward (United Kingdom): I join others in thanking Under-Secretary-General Griffiths for his powerful briefing.

On 7 October, Israel suffered the worst terror attack in its history at the hands of Hamas. The United Kingdom wants to see the hostages taken on that day released as soon as possible and an end to the fighting in Gaza as soon as possible. The humanitarian situation is desperate. We are calling for an immediate suspension of fighting in order to get vital aid in and hostages out, that progresses towards a permanent, sustainable ceasefire, without a return to destruction, fighting and loss of life.

We continue to work intensively with the United Nations and all partners on practical solutions to get more aid into Gaza. During his visit to the region last

week, my Foreign Secretary, Lord Cameron, again pressed Israel to allow unhindered humanitarian access. We are supporting the World Food Programme to deliver a humanitarian land corridor from Jordan into Gaza, and the United Kingdom has trebled its humanitarian aid commitment to the occupied Palestinian territories this year.

The United Kingdom continues to engage closely with Israel on the conduct of its military campaign, including on international humanitarian law, and to call for Israel to take greater care to avoid harming civilians and civilian infrastructure.

The United Kingdom respects the role and independence of the International Court of Justice. We welcome the Court's call for the immediate release of hostages and the need to get more aid into Gaza, as well as the Court's reminder that all parties to the conflict are bound by international humanitarian law. It is for the Court, not countries, to determine genocide. Nevertheless, we were troubled by the way in which this action was taken, and we have made our views about that very clear.

As Lord Cameron said in the Middle East last week, echoed in Minister of State Lord Ahmad's intervention at the Security Council last week (see S/PV.9534), we believe the following steps are vital: first, a political horizon that provides a credible and irreversible pathway towards a two-State solution; secondly, the formation of a new Palestinian Government for the West Bank and Gaza, accompanied by an international support package; thirdly, removing Hamas's capacity to launch attacks against Israel; fourthly, the release of all Israeli hostages; and finally, Hamas no longer in charge of Gaza.

As my Foreign Secretary has said, it is only when the prize of peace is more attractive than the potential benefit of continued conflict that we will have the chance of a better future for Israelis and Palestinians.

Mrs. Baeriswyl (Switzerland) (*spoke in French*): I thank you, Madam President, for convening this meeting. I would also like to join my colleagues in thanking the Under-Secretary-General for Humanitarian Affairs, Mr. Martin Griffiths, both for his briefing and for his work and that of his team.

In view of the devastating human toll of this conflict, the level of destruction in Gaza and the violence in the West Bank, I would like to reiterate

the obligation of all parties to respect international humanitarian law and human rights. As we heard from the Under-Secretary-General, the humanitarian situation in Gaza is catastrophic. The population there currently lacks the protection that it requires and is entitled to. The people are under siege and at the mercy of the bombing, fighting, repeated displacement, starvation and epidemics. As we just heard, all that is happening at the same time that the health sector lies in ruins, despite the brave efforts of humanitarian actors. That cannot continue. The establishment of a humanitarian ceasefire must enable the rapid, safe and unhindered access for humanitarian aid to the civilian population in need by all possible means and through all possible crossing points, along with the immediate and unconditional release of all hostages, in accordance with international humanitarian law.

I reiterate my country's full support for the International Court of Justice. The Court's provisional measures are binding on the parties. Switzerland expects Israel to comply with its order and in particular to take the necessary measures to prevent the commission of any act of genocide and any kind of incitement to commit it. The Court's order also includes effective measures to be taken without delay to enable the provision of urgently needed basic services and humanitarian aid in order to alleviate the difficult conditions that the Palestinians of the Gaza Strip are living in.

In the West Bank, the settler attacks on Palestinians and the consequent forced displacement of entire communities are unacceptable. They have taken place in an environment of almost total impunity. As the occupying Power, Israel must refrain from taking measures that would create permanent changes in the Palestinian territory. We welcome Special Representative of the Secretary-General Pramila Patten's current visit to Israel and the West Bank. The report she plans to present on the sexual violence committed during and since the 7 October 2023 attacks, which we have strongly condemned, will provide us with a more comprehensive view of the catastrophic situation. Switzerland calls for independent investigations into all allegations of violations of international law committed in Israel and throughout the occupied Palestinian territory. The alleged perpetrators must be brought to justice before the competent authorities.

Finally, we are very concerned about the extremely serious allegations against 12 employees of the United Nations Relief and Works Agency for Palestine Refugees

in the Near East (UNRWA), suspected of participating in the acts of terror of 7 October, despite the fact that UNRWA is the most important humanitarian actor in the Gaza Strip today, providing aid to 2 million people. My country has zero tolerance where support for any form of terrorism, hate speech or incitement to violence is concerned. We have taken due note of the immediate measures taken by UNRWA regarding the employees and expect the internal investigation to shed full light on the serious allegations.

There is an urgent need to end the ongoing humanitarian crisis in Gaza and de-escalate the situation at the regional level as soon as possible. The signs are becoming increasingly worrisome, especially on both sides of the Blue Line between Israel and Lebanon. Elsewhere, tensions are running high in Yemen, Syria, Iraq and the Red Sea. The Council must shoulder its responsibilities. As it has done so far, Switzerland stands ready to work with a united Council to that end. The elements I have mentioned — respect for international law, including the establishment of a humanitarian ceasefire, access to aid in Gaza and the release of hostages — are only the first steps towards a political resolution of the conflict. Switzerland stands ready to support efforts to rebuild hope for peace through a two-State solution, with two democratic States, living side by side in peace, within secure and recognized borders, with Gaza as an integral part of a future Palestinian State.

Mr. Afonso (Mozambique): Mozambique commends the French presidency for convening today's briefing on the situation in the Middle East, including the Palestinian question. We want to express our appreciation to Mr. Martin Griffiths, Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, for his insightful and moving update. We commend him and his team both in the field and at Headquarters for their hard work and extraordinary service to the Palestinian people and humanitarian causes all over the world.

The humanitarian crisis in Gaza is a matter of great concern to the Council and the international community as a whole. It has been aptly described as a humanitarian catastrophe. As a consequence, there is an urgent need for global action to protect and safeguard the lives and dignity of Palestinian civilians in unprecedented adversity. We have been informed of intense clashes in the south-west of Gaza in the past few days, causing further loss of life and damage

to civilian infrastructure. The recent reports from Gaza reveal an unprecedented hunger crisis, with the prospect of widespread famine therefore becoming a deep concern amid the ongoing humanitarian calamity. Following funding cuts, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has warned us that the situation is further deteriorating. The suspension of some donors' funding will have a further negative impact on the Agency's life-saving assistance for more than 2 million civilians, more than half of them children. They rely solely on aid from UNRWA, which is the primary humanitarian agency there. We therefore call for immediate steps to be taken to ensure that humanitarian assistance funds continue reaching the millions of civilians in extreme need. With regard to humanitarian assistance, we need to reassert our firm solidarity with the suffering people of Palestine and oppose withdrawing or suspending much-needed aid to UNRWA on any pretext.

On 26 January, the International Court of Justice, the principal judicial organ of the United Nations, took a momentous decision. It ordered Israel to take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by the Palestinian people in Gaza. The Court also ordered Israel to refrain from acts under the Genocide Convention, prevent and punish direct and public incitement to genocide, preserve evidence of genocide and submit a report to the Court, within one month, of all measures taken in line with the Court's order. At the heart of the Court's decision is the protection of the Palestinian people in the occupied Gaza Strip from indiscriminate killing, harm and elimination, in whole or in part. In its order, the Court states that

"Israel must, in accordance with its obligations under the Genocide Convention, in relation to Palestinians in Gaza, take all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention..." (*Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, para.78).

In addition,

"the Court further considers that Israel must take immediate and effective measures to enable the provision of urgently needed basic services and

humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip" (*ibid.*, para.80).

As a matter of fact, the Court's decision gives credence and substance to the Council's appeal for an immediate and sustained humanitarian pause and cessation of hostilities when we unanimously adopted resolutions 2712 (2023) and 2720 (2023), as the representative of the United States of America said. We believe that these two principal organs of the United Nations established by its Charter, that is to say the Security Council and the International Court of Justice, are fully aligned on the fundamental interest of protecting Palestinians in Gaza. The Court further reminds us that its orders on provisional measures are binding and create international obligations for those they are addressed to. It is our hope that both the Court's ruling and the Council resolutions on the matter will be fully respected and implemented in good faith by Israel and all members of the United Nations.

The conflict in the Gaza Strip will potentially have far-reaching political and security consequences. It is already creating economic and security ripples that threaten international peace, security and stability. At our last meeting on this subject in this Chamber (see S/PV.9534), we acknowledged how important it is for us to be cautious and prudent in every move we make and in every step we take so as not to further jeopardize global peace and security. An immediate and urgent humanitarian ceasefire and a cessation of hostilities are therefore sine qua non factors to ensure that humanitarian aid is delivered without any restrictions to those in need in Gaza, that all the hostages can be released and that the peace process in the region can make progress. We therefore reiterate our call for the Council to stand united in the support of actions and initiatives that aim to address and reverse the calamitous situation in Gaza.

Mr. Sowa (Sierra Leone): I thank you, Madam President, for convening this meeting. I also want to thank the Algerian delegation for requesting it and Under-Secretary-General Martin Griffiths for his detailed briefing to the Council.

Since Hamas's atrocious attack of 7 October 2023 on Israel, we have witnessed several interventions by the United Nations and the international community aimed at finding a path that can ensure the rescue of the 1.7 million civilians in the Gaza Strip caught in

an appalling humanitarian situation, as well as the release of the remaining 136 hostages held by Hamas with limited access or information about their welfare. We welcome the initial briefing to the Security Council by Ms. Sigrid Kaag, Senior Humanitarian and Reconstruction Coordinator for Gaza, and look forward to the establishment of a United Nations mechanism that will accelerate the delivery of humanitarian consignments to the Gaza Strip so as to ensure that an appropriate quality of assistance, in appropriate quantities, reaches the vulnerable people there in a timely and a sustained manner.

As we continue our efforts as a Council to find an immediate solution to the ongoing hostilities and the deteriorating humanitarian situation, and given recent developments, my delegation would like to state the following. Reflecting on the ruling of the International Court of Justice on the provisional measures on South Africa's application instituting proceedings against the State of Israel, my delegation is of the view that the parties to the conflict must comply with those measures, as they are obliged to under international law. We welcome the Court's ruling that

"Israel must take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse humanitarian conditions of Palestinians in the Gaza Strip" (*Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, para.80).

My delegation remains deeply concerned about the persistent hostilities in the Gaza Strip, which have resulted in the tragic deaths of about 26,000 Palestinian civilians, with 64,000 injured and more than 1.7 million internally displaced. Considering everything that has been stated in the provisional measures and the updates we have received so far, Sierra Leone believes that a humanitarian ceasefire is therefore vital at this point if lives are to be saved, access to humanitarian aid facilitated, displacement controlled and hunger and the spread of disease minimized.

We note with serious concern the reports of the alleged involvement of certain personnel of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in the 7 October attack on Israel, for which an investigation has been activated. While we await the report on the findings,

we urge Member States to continue their financial assistance and provision of humanitarian supplies to UNRWA, as they are essential to the survival of the Palestinians in dire need.

Sierra Leone continues to reiterate its condemnation of the unjustifiable and heinous attack of 7 October attack on Israeli civilians and the taking of hostages. We therefore repeat our call for the immediate and unconditional release of all hostages and for access to be granted without delay to the International Committee of the Red Cross to visit the hostages and offer the necessary support. We therefore urge all parties to the conflict to honour their obligations under international law, especially international humanitarian law, in order to protect civilians and civilian objects and especially women, children and humanitarian personnel.

In conclusion, my delegation remains fully committed to supporting any initiative aimed at addressing the conflict and revamping a political process so that it can transcend the immediate challenges and create a path to a just, comprehensive and lasting peace in the region based on a two-State solution.

Mr. Montalvo Sosa (Ecuador) (*spoke in Spanish*): I thank Mr. Martin Griffiths, the Under-Secretary-General for Humanitarian Affairs, for his briefing to the Council. Ecuador values his efforts and reiterates its ongoing support for his work.

As we have just heard, the humanitarian situation continues to be very difficult and precarious. The Council, through resolutions 2712 (2023) and 2720 (2023), requested the provision of sufficient and timely humanitarian aid and ordered the creation of a mechanism to facilitate and expedite its entry and distribution in Gaza.

The Senior Humanitarian and Reconstruction Coordinator for Gaza, appointed for that purpose, has started her work and presented her first report to the Council yesterday. Once again, we wish Sigrid Kaag every success. However, expressions of support are not enough for her to fulfil her mandate. Pursuant to resolution 2720 (2023), it is essential that she have the necessary resources and the cooperation of the parties to the conflict.

As part of the provisional measures decided last week by the International Court of Justice, Israel has also been ordered to adopt immediate measures to ensure the provision of basic services and humanitarian

aid. The Court has also identified four other interim measures, including the need to prevent and punish public incitement to commit genocide in relation to the Palestinian population in Gaza. Security Council resolutions and orders of the International Court of Justice must always be respected, without exception, in this and all cases.

Once again, Ecuador emphatically condemns the Hamas terrorist attacks of 7 October. In the past few days, we learned with great concern about the allegations that 12 staff members of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) participated in those terrorist attacks.

In that regard, we commend the swift response of the United Nations. We hope that the ongoing investigations will determine what happened as soon as possible and, above all, that all responsible individuals be brought to justice. The full weight of the law must be brought to bear on those who committed those crimes or collaborated with those who committed them.

At the same time, we recall that more than 150 UNRWA staff members have died as a result of the war, that UNRWA's work is of vital importance in alleviating the situation of the civilian population in Gaza and in other areas of the Middle East and that the continuity of its operations is crucial to maintaining stability in the region. A suspension of UNRWA's activities would certainly also affect the mandated work of Senior Coordinator Kaag and the implementation of resolutions 2712 (2023) and 2720 (2023).

Ecuador has not forgotten the hostages seized by Hamas and other groups who have not yet regained their freedom. We demand that they all be released immediately and unconditionally. Negotiations are under way for the release of hostages and a prolonged — and hopefully, definitive — cessation of hostilities. The success of those negotiations would be a very positive and important step. Ecuador values and supports the efforts of those involved in such negotiations and of all actors who, in one way or another, contribute to improving the humanitarian situation and restoring peace.

Finally, Ecuador reiterates its commitment to work towards a peaceful, definitive and just solution for the parties, with the existence of two States — Palestine and Israel — on the basis of the 1967 borders and the relevant resolutions.

Mr. Žbogar (Slovenia): I, too, would like to start by thanking Under-Secretary-General Griffiths for the briefing. With each briefing that the Security Council receives, the already devastating situation in Gaza is progressively deteriorating.

Last week, my minister spoke at length in the Chamber (see S/PV.9534) about the need for a ceasefire in order to stop human suffering, deliver humanitarian assistance, bring hostages home, secure Gaza and Israel from attacks and destruction, devise a plan for a two-State political solution and so on. We appreciate the efforts of all States and leaders that are trying to secure a humanitarian pause leading to a lasting cessation of hostilities. We need that pause now.

Today I would like to reflect on two topics that are currently at the forefront of discussions with regard to Gaza: respect for international law and the situation of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

Slovenia will continue to be a strong supporter of international law. Respect for international law and a strong international legal system are the best guarantees for maintaining international peace and security. That is our understanding of the term “rules-based international order” that we often like to invoke. Unwavering commitment to international law includes respect for and compliance with the decisions of international courts and tribunals. Slovenia welcomes the order of the International Court of Justice in the case of South Africa against Israel, indicating provisional measures. The Court's orders are final and binding. We therefore expect and call for its swift and full implementation.

We echo the Court's concern about the fate of the hostages abducted during the 7 October attack. We once again call for their immediate release and for granting the International Committee of the Red Cross access to them. Slovenia would like to underline the Court's independence and voice our clear and strong support for its work.

In relation to the provisional measures, we would like to emphasize that obligations under the Convention on the Prevention and Punishment of the Crime of Genocide are *erga omnes partes*, and that all State parties to the Convention have a legal interest in ensuring compliance with its provisions. That includes the Court's order to enable the provisions of urgently needed basic services and humanitarian assistance. As members of the Security Council, we carry an additional responsibility for the implementation of the order.

Since its inception in 1949, UNRWA has been a lifeline for millions of Palestinians in the diverse areas of its assistance: education, health care, relief and social services, camp infrastructure and improvement, microfinance and emergency assistance — including in times of armed conflict. By providing services and administering its installations, UNRWA has been a signal of hope and a provider of essentials to generations of Palestinian refugees in Gaza, the West Bank, Jordan, Lebanon and Syria. Many of its staff lost their lives while serving the Agency and the United Nations.

Let me express our deep concern about allegations that a number of Gazans employed by UNRWA were associated with the horrific Hamas attack of 7 October. Slovenia welcomes a prompt response by the Secretary-General and the UNRWA Commissioner-General to conduct internal and independent investigations, as well as an audit requested by the European Union regarding the allegations. We are looking forward to swift results of the investigations and recommendations on how to improve the Agency's work.

At the same time, Slovenia underlines its continuous support for the important work of UNRWA as a lifeline for millions of people in Gaza and beyond. UNRWA is the largest humanitarian organization in Gaza, and there is no viable substitute for its work in Gaza. Its operation over the next weeks and months is vital for the implementation of the International Court of Justice order on provisional measures.

Mr. Yamazaki (Japan): I also thank Under-Secretary-General Griffiths for his briefing.

On Friday, the International Court of Justice delivered its order on provisional measures regarding the application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip. In the interim, without a final determination on whether Israel is in violation of the Genocide Convention, the International Court of Justice ordered, *inter alia*, that Israel must take measures to prevent genocide and its incitement and to enable the provision of urgently needed basic services and humanitarian assistance. The order on the provisional measures of the International Court of Justice, the principal international judicial organ of the United Nations, is legally binding on the parties to the dispute. Therefore, it is to be observed in good faith.

What matters most is whether we can make a difference on the ground by seizing the momentum. Japan has been continuing its sincere diplomatic efforts

to improve the current catastrophic humanitarian situation in the Gaza Strip. We need to continue to address various challenges on the ground in a holistic manner.

The International Court of Justice also emphasizes that all the parties to the conflict in the Gaza Strip are bound by international humanitarian law, and the Court is gravely concerned about the fate of the hostages taken by Hamas and others, calling for their immediate and unconditional release. Japan loudly echoes that point and once again unequivocally condemns the barbaric acts of terror by Hamas and others. We also urge Israel to comply with international law, including international humanitarian law, in exercising its right to defend itself and its people.

One year ago, in January 2023, Japan convened an open debate on the rule of law (see S/PV.9241) as President of the Security Council for the month. The essence of the rule of law is that no one is above the law; therefore, everyone must comply with the law. That is one of the core universal principles of the international community, and international peace and security can never be maintained without the observance of international law in good faith. That includes respecting the Charter of the United Nations, Security Council resolutions, international humanitarian law and, obviously, orders and judgments of the International Court of Justice.

In that regard, it is deeply regrettable that not all rulings of international courts have been respected by some countries. To achieve peace based on the rule of law, every country must abide by international law and sincerely observe decisions of international courts, whether it likes them or not. Our commitment to the rule of law, as well as our support for the role of the International Court of Justice, are unwavering.

In accordance with the two recent resolutions 2712 (2023) and 2720 (2023), Japan urges all parties to comply with international law, thereby de-escalating the situation towards a possible ceasefire, which could pave the way for a lasting peace.

Despite the seeming hopelessness of the current moment, we firmly believe that a two-State solution, in which Israel and a future independent Palestinian State live side by side in peace and dignity, remains the only viable path for both peoples. Japan will continue to spare no effort to help realize that goal.

Lastly, I need to touch upon one of the biggest challenges of the moment concerning the humanitarian situation in Gaza. Japan is extremely concerned about the alleged involvement of United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) staff members in the terror attack on Israel on 7 October last year. We are cognizant that many UNRWA staff members have been dedicated to providing humanitarian assistance to Gaza, and more than 150 staff members sacrificed their lives. Japan strongly urges the United Nations and UNRWA to conduct an investigation in a prompt and complete manner and to take appropriate measures, including strengthening governance within UNRWA, so that UNRWA can firmly fulfil the role it should play.

Mr. Hwang (Republic of Korea): I also thank Under-Secretary-General Martin Griffiths for his briefing.

Indeed, the humanitarian crisis is deepening by the day before our eyes. My delegation would like to reiterate the Republic of Korea's full and continuing support for the humanitarian activities of the United Nations, including those of the recently appointed Senior Humanitarian and Reconstruction Coordinator for Gaza, Sigrid Kaag.

I would like to affirm that the Republic of Korea respects the role of the International Court of Justice as the principal judicial organ of the United Nations and takes note of the order issued by the International Court of Justice on 26 January regarding South Africa's request for the indication of provisional measures. It is to be noted that the Court did not ascertain whether any violations of the obligations under the Convention on the Prevention and Punishment of the Crime of Genocide had occurred, but whether the circumstances required the indication of provisional measures, as the International Court of Justice duly pointed out. The Court also noted that its orders on provisional measures have binding effect. We strongly hope that Israel will, in accordance with the order, take immediate and effective measures, particularly to enable the provision of humanitarian assistance to Palestinians in Gaza.

As emphasized by the International Court of Justice, all parties to the armed conflict are bound by international humanitarian law. In that context, Hamas and other groups must immediately release all hostages without preconditions.

Moreover, all terrorist attacks and reports of sexual violence committed by Hamas on 7 October must be

unambiguously condemned and fully investigated, and the perpetrators must be held accountable.

Last week, the Council held an open debate on the situation in Gaza (see S/PV.9534), and the vast majority of the participants at the meeting, including my delegation, reiterated their calls for expanded humanitarian assistance, the protection of civilians and concrete steps to realize the two-State solution. The International Court of Justice provisional measures must serve as a deterrence to any further deterioration of the already dreadful situation in Gaza. The Republic of Korea will continue to closely monitor the case as it proceeds.

For decades, the Republic of Korea has maintained amicable relationships with both Israel and Palestine. The diplomatic relations between the Republic of Korea and Israel date back more than six decades. Meanwhile, we have strongly committed ourselves to the two-State solution, in accordance with the aspirations of the Palestinians, and have provided a substantial amount of humanitarian and development assistance for Palestine and Palestinian refugees for many years. Our contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East this year quadrupled compared to last year.

It is heartbreaking to see the cycle of extreme violence and ever-deepening mistrust between our two friends, Israel and Palestine. As we now bear witness to the unprecedented catastrophe in Gaza, we all understand that it is high time to end the ongoing enmity in Israel and Palestine, which has resulted in unfathomable misery, sorrow, fear, anger and indignity in the region.

Of course, finding a resolution to the conflict has been a tall order. That is why the Security Council, with the primary responsibility for the maintenance of international peace and security, must act more proactively and aggressively to put an end to the conflict and to chart the path forward, based on the strong common ground shared by the vast majority of United Nations Member States, as expressed at the open debate last week.

As Secretary-General Guterres reiterated at the debate, a lasting end to the conflict can come only through a two-State solution. And we believe that a humanitarian ceasefire can serve as a vital foundation not only to expand humanitarian assistance to Palestinians in Gaza but also to resume sincere negotiations to realize the two-State solution.

Mr. Zhang Jun (China) (*spoke in Chinese*): At the outset, I would like to thank Algeria for its initiative to convene today's meeting, and I thank Under-Secretary-General Griffiths for his briefing.

More than three months have passed since the outbreak of this round of the Israeli-Palestinian conflict. The war is still raging on, and the humanitarian disaster continues to worsen. In the face of repeated violations of international law and international humanitarian law, the repeated breaches of the bottom line of human dignity, morality and conscience, and the enormous threats to regional peace and security, the international community's voice on this issue has become increasingly stronger, and the International Court of Justice has also taken forceful action.

The Security Council has no alternative but to take further action swiftly, with the greatest sense of responsibility and the strongest determination to safeguard justice, save lives and achieve peace. We must push for an immediate ceasefire with the utmost urgency. There has long been an overwhelming consensus in the international community for an immediate ceasefire, and it is regrettable that a certain country has persisted in its obstruction with a passive attitude. True security cannot be achieved by military means, and the protracted fighting in Gaza will lead only to more casualties and wider regional instability, making peace in the Middle East even more elusive. The Council should take strong action to focus all diplomatic efforts towards reaching an immediate ceasefire. Israel should immediately cease its indiscriminate military attacks and destruction of Gaza. At the same time, every effort should be made to prevent a spillover of the Gaza conflict into the wider region, including the Red Sea.

We call on all parties to exercise calm and restraint, and to refrain from actions that would exacerbate the situation. We must take pragmatic action to alleviate the humanitarian catastrophe in Gaza, which is unprecedented. The Director-General of the World Health Organization has issued a warning that the conditions in Gaza are like a living hell. Resolutions 2712 (2023) and 2720 (2023) must be fully implemented, and Israel must fully cooperate by removing obstacles to the access of supplies at all levels, opening up all land, sea and air access routes, and effectively protecting humanitarian organizations and their staff. We support further action by the Council to clear the obstacles to humanitarian relief.

The order of provisional measures issued by the International Court of Justice last week is a strong response to the international community's general concern for protecting civilians, de-escalating the regional situation and alleviating the humanitarian crisis in Gaza. Those provisional measures must be implemented swiftly and effectively.

We must unswervingly promote the implementation of the two-State solution, which is the only viable way to achieve peace between Palestine and Israel. Israel must immediately stop eroding the basis of the two-State solution, forcibly displacing the population of Gaza, expanding its settlements in the West Bank and carrying out searches, arrests and attacks against Palestinians. China calls for greater international and regional diplomatic efforts to reshape a credible multilateral process. We advocate for the convening of an international peace conference on a larger scale, with a greater scope and with more effectiveness, with a view to developing a timetable and a road map for the implementation of the two-State solution as soon as possible. We support Palestine's full membership in the United Nations.

We have taken note of the accusations of the alleged involvement of United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) employees in the 7 October attack and support an independent, impartial and objective investigation by the United Nations. At the same time, it should also be pointed out that individual cases should not divert attention from the situation in Gaza and the efforts to promote a ceasefire and alleviate the humanitarian disaster. UNRWA, which has played an indispensable and irreplaceable role in alleviating the humanitarian disaster in Gaza, is the hope for survival for the 2 million people in Gaza. We should not dismiss UNRWA's work in its entirety based on the actions of a few individuals, nor should we cease support for UNRWA at a time when it is most needed, which would mean cutting off the lifeline for the people of Gaza and leading to additional collective punishment for the Palestinian people. We call on the international community, especially the major donor countries, to reconsider their decision to halt funding to the Agency, in the interest of the lives of the people of Gaza and ensuring overall humanitarian relief, and to continue to support UNRWA's work during the investigation.

Mr. Nebenzia (Russian Federation) (*spoke in Russian*): We would like to thank Mr. Martin Griffiths for his objective assessment of the catastrophic situation

in the Gaza Strip. The Russian Federation supported Algeria's initiative to convene today's extraordinary meeting of the Security Council on the situation in the Palestinian-Israeli conflict zone.

The conflict has been going on for almost four months. The colossal figures of loss and destruction, of which we are all aware, speak for themselves. More than 26,000 people, including women and children, have been victims of indiscriminate bombardment and violent military actions. At least 65,000 people have been injured, and 80 per cent of the total population of the Gaza Strip has become internally displaced. Due to a lack of unimpeded humanitarian access to the north and south of the Strip, in particular to Khan Younis, where the Israeli military is besieging Al-Amal Hospital for the eighth consecutive day, in addition to the reported widespread destruction of up to 50 per cent of civilian infrastructure and the equally deadly threats of famine and infectious disease epidemics now looming over Gaza, the United Nations leadership has spoken unanimously and at all levels about the imperative need for an urgent and comprehensive ceasefire as a precondition for the establishment of humanitarian assistance at the necessary level.

For our part, we have consistently and unwaveringly advocated for an immediate humanitarian ceasefire. We are talking about a ceasefire first and foremost in the Gaza Strip, but also an urgent end to the armed raids by the Israel Defense Forces in the West Bank — the footage of the storming of the hospital in Jenin has already circulated around the world — an end to the shelling on the Blue Line with Lebanon and an end to the arbitrary strikes on Syria's territory. After all, without a cessation of hostilities, it will not be possible to ensure meaningful humanitarian access to all those in need, release all the hostages and to rekindle the Palestinian-Israeli settlement process on an internationally recognized basis.

We have repeatedly stated publicly that the attack against Israel on 7 October, in which Israeli civilians were killed, warrants the strongest condemnation, but it cannot and should not become an excuse for justifying the collective punishment of millions of Palestinians or for taking actions that could risk destabilizing the entire Middle East region.

Against that tragic humanitarian backdrop, the decision by a number of Western donors, led by the United States of America, to suspend funding to the

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in connection with the suspected involvement of its staff in the 7 October attack, has resonated. In that context, we share the position of the leadership of the Secretariat on the importance of conducting a thorough and transparent investigation into the allegations. At the same time, it is important to ensure that it takes into account information from the Palestinians as well as from Israel. However, the situation should not be used as a pretext for the collective punishment of the millions of Palestinians in need and the thousands of Agency staff members who have faithfully performed their duties over the 75 years of its existence. Suspicions about the 12 UNRWA workers cannot and should not be used to discredit the Agency's entire structure or undermine its key and irreplaceable operations in support of the almost 6 million Palestinians in the occupied territory and neighbouring Arab countries. The UNRWA management has said that given the suspension of funding from key donors — the motive for which decision raises a number of questions for us — the Agency, which is already chronically underfunded, will be unable to operate in the Gaza Strip and the region as a whole after February of this year. We cannot allow that to happen.

In the circumstances, the provocative rhetoric of a number of representatives of the Israeli leadership is particularly alarming. They are calling not only for a continuation of the military operation in the Gaza Strip but for an end to UNRWA's presence there and the forcible displacement of Palestinians from their homes, a scenario that must be avoided at all costs. The escalating violence of the Israeli army and Jewish settlers in the West Bank must also cease immediately. It is regrettable that in these circumstances the Security Council has not yet been able to adopt a single product calling for an end to the violence, because of the position of one delegation, the United States, which has blocked all efforts and initiatives to stop the bloodshed in the occupied territories and has given Israel carte blanche to pursue its collective punishment of the Palestinians.

In its turn, the Council's impotence and inability to take comprehensive collective action has allowed the current round of violence in the occupied Palestinian territory to lead to the physical spillover of the conflict to the entire region. The aggressive actions in the Red Sea of the United States and the United Kingdom, our colleagues on the Council, are reminiscent of the worst

moments of the barbaric and illegal NATO bombings of Yugoslavia, Afghanistan, Iraq, Libya and Syria, as they shamelessly exploit narratives of the fight against terrorism and the so-called right to self-defence. We categorically condemn the aggression against Yemen, which has been undertaken without the appropriate Security Council authorization. We once again emphasize that Washington and London's illegal and provocative actions pose a direct threat to international peace and security and undermine the world order founded on the rule of international law and the central role of the United Nations.

Nonetheless, we note the active position of an overwhelming majority of the international community, who have no desire to stand by in silence to observe the ethnic cleansing of Gaza by the Israelis under the umbrella of the United States. Nor has the International Court of Justice stood idly by. On 26 January it issued a provisional measures order, ordering Israel as the occupying Power to comply with the obligations already incumbent on it under international law.

The Russian Federation's principled approaches to the current round of the Palestinian-Israeli confrontation remain the same. Our key demand is an immediate ceasefire as an essential measure to ensure unhindered humanitarian access to all in need and the unconditional release of all hostages. Besides that, it is clear to us that the spiral of violence in Gaza and the West Bank will continue until the years of injustice at the root of the conflict are addressed and the Palestinian people are able to exercise their right under the relevant Security Council and General Assembly resolutions to establish an independent State within the 1967 borders, with East Jerusalem as its capital. Only that balanced approach, based on international law, can lead to lasting peace. Russia will continue to do everything it can to contribute to the stabilization of the Middle East and to promote the Middle East settlement process, together with the countries of the region and in coordination with other good-faith mediators. As before, we remain open to discussion of the relevant initiatives as part of our collective work at the United Nations.

Ms. Gatt (Malta): I thank Under-Secretary-General Martin Griffiths for his sobering briefing.

Malta is gravely concerned about the sustained and severe impact that the conflict in Israel, Gaza and the rest of the occupied Palestinian territory is having on the civilian populations and regional stability. A

permanent ceasefire remains crucial, as it is the only way to ensure an effective humanitarian response across Gaza while also de-escalating the tensions across the Middle East. We stress that there can be no justification for acts of terror. We once again condemn the Hamas terror attacks of 7 October 2023 and the continued rocket fire on Israeli population centres. All hostages must be released immediately and unconditionally, in accordance with resolution 2712 (2023).

Furthermore, we are gravely concerned about reports of sexual violence and call for them to be investigated. We are also concerned about the allegations regarding the involvement of staff members of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in the attacks. We welcome the swift action taken by the Secretary-General and Commissioner-General Lazzarini in that regard and await the outcome of the investigation. Any staff involved must be held accountable. We stress, however, that the role of UNRWA remains indispensable, particularly in Gaza during the current crisis. It is essential for UNRWA to receive the funding it needs to assist civilians, as one of the only humanitarian lifelines for the more than 2 million Palestinians trapped in Gaza.

As we heard yesterday from Ms. Sigrid Kaag and today from Mr. Griffiths, the humanitarian situation in Gaza remains catastrophic. Death, destruction, disease, displacement and the threat of famine have become a daily reality for millions of civilians, including hundreds of thousands of women and children. Only an urgent cessation of hostilities can provide the environment for a necessary, meaningful and effective humanitarian response throughout Gaza. We would like to emphasize that all parties have a legal obligation, as defined under international law, including international humanitarian law, to protect civilians. Israel is also required to facilitate the full, rapid, safe and unimpeded delivery of humanitarian aid into Gaza, as is also articulated in resolutions 2712 (2023) and 2720 (2023).

Moreover, in the order on provisional measures issued by the International Court of Justice on 26 January on the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, the Court stated that all measures must be taken by Israel to prevent the killing of Palestinians in Gaza or the causing of bodily or mental harm to them, and to enable the provision of basic services and humanitarian assistance in the Gaza

Strip. Malta reaffirms its strong support for the role of the International Court of Justice as the principal judicial organ of the multilateral order and underlines that its decisions are binding and must be respected. We expect the order to be fully, immediately and effectively implemented.

The threat of an escalation beyond Gaza has regrettably become a reality. In the occupied West Bank, continued intensified armed exchanges, military incursions, planned raids, settler violence and mass detentions threaten to ignite further instability. Israeli settler violence must also be addressed and not allowed to continue with impunity. Malta reiterates that Israeli settlements in the occupied Palestinian territory violate international law and the relevant Security Council resolutions. We reject and denounce any forced displacement of Palestinians from their lands or homes, including in Gaza.

Building a credible foundation for future peace and security for both Israelis and Palestinians must include a legitimate, reinforced and revitalized Palestinian Authority that can enable effective governance in line with a two-State solution, with Gaza as part of an independent Palestinian State.

In conclusion, Malta underscores its commitment to lasting and sustainable peace in the Middle East, based on a two-State solution, in line with the relevant Security Council resolutions and internationally agreed parameters.

The President (*spoke in French*): I shall now make a statement in my capacity as the representative of France.

I thank Under-Secretary-General Martin Griffiths for his briefing.

France emphasizes that the hostages must be immediately and unconditionally released and that the Council should condemn the terrorist attacks of 7 October 2023 perpetrated by Hamas and terrorist groups, as well as all sexual and gender-based violence. At the initiative of France and other European countries, the European Union has imposed a sanctions regime on Hamas.

Efforts on the ground to bring about an immediate and lasting ceasefire are now more urgent than ever. Israel must comply with international humanitarian law, which requires the implementation of the clear principles of distinction, necessity, proportionality and

precaution at all times and in all areas. Mr. Griffiths underscored that it will be crucial to remove all obstacles to humanitarian access and to fully implement resolutions 2712 (2023) and 2720 (2023). France will continue to stand in solidarity with the Palestinians in Gaza. Our provisions of assistance to them are tangible — we are supplying medical equipment and care, in cooperation with Egypt, and we are parachuting humanitarian supplies into Gaza with Jordan's assistance.

The reports about the alleged participation by personnel of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in the attacks of 7 October are extremely serious, and the investigations that have begun in the past few days must shed light on what happened and result in concrete measures. France has not scheduled any funding for the Agency for the first half of 2024 and will decide how to proceed when the time comes, while ensuring that all its demands for transparency and the security of its assistance are met.

France has taken careful note of the decision by the International Court of Justice on provisional measures. We are deeply committed to compliance with international law and reaffirm our full trust in and support for the International Court of Justice.

On the political front, a two-State solution is the only settlement that can enable just and lasting peace. We must work to establish a State for Palestinians. The Palestinian Authority has a crucial role to play in that process in the West Bank and in Gaza, which should be part of the Palestinian State. France condemns the settlement policy implemented by Israel and the settler violence in the West Bank, as well as the holding of a conference last Sunday in Jerusalem that promoted settlement-building in Gaza and the expulsion of the Palestinian population in Gaza outside their territory. We want to point out that the International Court of Justice has stated that Israel must take every possible measure to prevent and punish such action.

Lastly, preventing a regional conflagration is a matter of urgency. Stability in Lebanon and in the region requires full compliance by all parties with resolution 1701 (2006), with the assistance of the United Nations Interim Force in Lebanon. France will help to creating the conditions for lasting de-escalation in that regard and will continue to fulfil its responsibility to contribute to maritime security in the Red Sea.

I now resume my functions as President of the Council.

I give the floor to the observer of the Observer State of Palestine.

Mr. Mansour (Palestine): We thank Algeria for requesting today's meeting as a follow-up to the order of the International Court of Justice in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*. I also want to reiterate our profound thanks to South Africa for its moral leadership and for this initiative, which has received overwhelming support from peoples and Governments across the globe, including most recently at the Kampala summit of the Movement of Non-Aligned Countries, where 120 members unanimously welcomed South Africa's effort. And I am grateful to Under-Secretary-General Martin Griffiths for his sobering briefing on the worst human-made, occupation-made humanitarian catastrophe in modern history, and for his relentless efforts and those of the Secretary-General and the United Nations in general, notably its humanitarian personnel on the ground, to bring an end to this catastrophe.

The International Court of Justice has offered a resounding rebuke to those who claim that the case of genocide against Israel is meritless and baseless. The Court also dismissed the premise that Israel, by its very nature, could somehow be above the law and could not be accused of committing the crime of genocide. I urge those who have expressed misplaced outrage to be outraged by the crime, not the accusation, and by the reality on the ground, not the words used to describe it. We have had enough racism and supremacy and enough impunity.

We have to show humanity now, in the wake of the Court's finding that the right of the Palestinians in the Gaza Strip to be protected from acts of genocide, attempted genocide, incitements to commit genocide, complicity in genocide and conspiracy to commit genocide is a plausible one. It is that plausibility, the fact that a genocide is actually under way — not the accusation of genocide against Israel — that should be keeping all of us up at night. I advise all my colleagues, including some who are so attached to what was not in the provisional measures, to concentrate on the six provisional measures that were adopted. They do not need to be more royalist than the king. Even the ad hoc judge from Israel voted in favour of two of the

provisional measures. We should read the order, study it and reread it to know what is actually in it, not the illusions in some people's minds about what was not in it. It is crystal clear that the Court's provisional measures are binding and that Israel must comply with them.

Everyone has recognized for a while now that Israel is committing war crimes and crimes against humanity — whether or not they use those exact words — through its massive, indiscriminate bombing with no parallel in modern history, the forcible displacement of the population, the mass arbitrary arrests and the summary executions, including of women and children waving white flags. Add to that the storming of a hospital in Jenin by a death squad of people disguised as civilians, patients, medical personnel, a displaced disabled person and a mother holding a baby, in order to execute three men, including a wounded, partially paralysed man who was receiving treatment. If anyone thinks that such behaviour is acceptable in any circumstances, we are throwing away the rulebook and the protection it provides to all.

Israel, confident its impunity will stand, has led a war of atrocities against the Palestinian people in the Gaza Strip for four months now. That must end.

The Council and the Court have called for the protection of civilians. Israel is instead targeting them and persisting with its mass indiscriminate attacks. The Council and the Court have called for allowing humanitarian assistance to reach the Palestinian population throughout the Gaza Strip. Israel has instead maintained the siege, orchestrating famine and creating the conditions for the spread of dehydration and epidemic diseases, including among children. The Council and the Court have called for a stop to incitement for atrocity crimes and for those responsible for such incitement to be held accountable. Israel instead doubled down. Twelve ministers of the Netanyahu Government took part in a conference to recolonize Gaza and to get rid of the Palestinians there, the continuation of a long-standing policy of displacement and replacement of the Palestinian people. Hundreds chanted and danced, celebrating the commission of such crimes.

The Court upheld its responsibility in its provisional measures. In order for those provisional measures to be implemented, there has to be a ceasefire. Although the burden is on Israel to implement the six provisional measures, the Council is not assuming its responsibility

to adopt a resolution calling for a ceasefire, in order to allow the work and the provisional measures ordered by the Court to be implemented. When is the Council going to act accordingly — if it really is serious about respecting its obligations to honour the Court's ruling? Doing so requires a ceasefire so that Israel can — regardless of whether it can or not, it has to — implement those measures, but only if the Council wants to help Israel adopt a ceasefire so that it has no excuse not to implement the six provisional measures ordered by the Court.

What do we do when atrocities are being committed, when they are not only an integral part of the methods of war used by the occupation Power but its primary policy? We must put an end to them. From day one, we have said that that can only be accomplished by a ceasefire, and we keep repeating the word “ceasefire”. The Secretary-General said, “I need three things: ceasefire, ceasefire, ceasefire”. Mr. Martin Griffiths repeated the same thing. Every agency of the United Nations is saying that it cannot implement what needs to be implemented without a ceasefire. And yet, here is the Security Council, after 115 days of this abhorrent, criminal war against our people in the Gaza Strip. At least 15,500 children have been killed while we were debating here, month after month. More than 26,000 Palestinians have been killed in terrifying circumstances. A total of 2.3 million people have gone through hell every single day for 120 days, and that hell will haunt them long after this assault ends. They are trying to cheat death over and over again, running to safety over and over again, though it is nowhere to be found, until the international community musters the resolve to save them and to stop this war and these atrocities.

Thirteen members of the Council have voted for an immediate humanitarian ceasefire, and 153 Member States have supported such a ceasefire in the General Assembly. With the risk of genocide now recognized by the International Court of Justice, it would be criminal not to act to put an end to this war of atrocities.

Netanyahu said “no one will stop us — not The Hague, not the axis of evil, and not anybody else” — spoken like a true war criminal. His genocidal words, quoted by the Court, are evil. His genocidal acts are evil. And when the International Criminal Court (ICC) finally decides to uphold its mandate, he should find his place in a jail in The Hague, not in power in Israel. All countries across the globe have expressed support for an end to the Israeli occupation, Palestinian independence and

the two-State solution. What was Netanyahu's answer? He bragged about sabotaging peace efforts for decades and about obstructing Palestinian independence and the two-State solution, depriving even his own people of peace and security. That is his agenda, and he has acted upon it for the past 40 years.

Israel defies the resolutions of the Council and defies the International Court of Justice and the ICC, and it is in an open war against the United Nations. There is no single country on earth that has campaigned so openly and brazenly against the United Nations. Why is Israel attacking the United Nations, we wonder? Because the United Nations is the source of the evidence of Israeli crimes, and Israel wants to discredit the witness to destroy the evidence. Because the United Nations helps the Palestinian people survive and remain on their land, and Israel wants to uproot them. Because the United Nations is the forum where Palestinian rights, foremost among them the rights to self-determination and return, have been recognized, and Israel wants to deny and dissolve those rights. Because the United Nations has identified the requirements for a just and lasting peace, and Israel has chosen ethnic cleansing and genocide instead.

Israel has sought the defunding of United Nations agencies, from the United Nations Educational, Scientific and Cultural Organization to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). It has attacked all the main United Nations bodies: the Security Council, the General Assembly, the Human Rights Council, the Economic and Social Council and the International Court of Justice. Its former Foreign Minister has incited against the Secretary-General, and its current Foreign Minister has accused the Commissioner-General of UNRWA of being a supporter of terrorism, an outrageous and despicable claim. Israel has launched campaigns against United Nations officials, including Ms. Lynn Hastings and the Secretary-General, and it has refused to grant visas to representatives of United Nations bodies as punishment for upholding their mandates. It has, in this assault, killed more than 150 United Nations staff members, the highest number of losses among United Nations staff since the Second World War, in any conflict. Israel is trying to dismantle any obstacle to its plan to destroy Palestine and the Palestinian people, to forcibly displace and replace them, to seize full control from the river to the sea and to implement its supremacist and colonial plans.

In dealing with the Israeli allegations against some UNRWA staff, one should never lose sight of those realities or of Israel's stated goal — for years now — of dismantling UNRWA. And they succeeded one time, during the Trump Administration, in denying funding for UNRWA for more than three years.

There are serious allegations, and there is a serious investigation. The principles of humanity, neutrality, impartiality and independence must be upheld. It is clear that UNRWA and the Secretary-General are committed to those principles, and there is no reason to doubt that commitment. There is no reason to pre-empt the outcome of the investigation or to take measures that effectively amount to the collective punishment of 30,000 UNRWA staff and millions of refugees — beneficiaries of UNRWA services.

UNRWA is the perfect example of the success of the United Nations. For those who are discovering UNRWA today, the West created UNRWA in 1949 because it had the majority of Members in the United Nations. It is a remarkable success story of multilateralism. We should all be proud that we have an organization like UNRWA in the United Nations system that has been doing a remarkable job in servicing in a humanitarian way the millions of Palestine refugees for 75 years. It is our collective duty to protect it, to fund it, to allow it to carry out its humanitarian mandate, especially these days. Who else is in Gaza from the humanitarian institutions that can implement what members legislated in two Security Council resolutions if not the army of the brave 13,000 staff of UNRWA? Who else can implement what the Council wants them to do, particularly distributing and allowing a massive amount of humanitarian assistance to get to every corner of the Gaza Strip? Do not fall into the trap of the Israeli Government, which wants to destroy UNRWA. They have made that crystal clear over the years. Defend this brave organization, this fabulous example of multilateralism and the success story of the United Nations.

At a time when the Palestinian people are deliberately being deprived of the requirements of life and of what they need for their survival in Gaza, undermining UNRWA would be inhumane, cruel and irresponsible. Since members all recognize the importance of UNRWA's role and its invaluable contribution, I trust that those who decided to suspend their funding will speedily revise their decision. We appealed to the Council yesterday and we supported the appeal of the Secretary-General for those States to

reconsider, as UNRWA deserves to be funded by those who have been doing a great job in funding over so many years. We have always expressed our gratitude to States for their generosity in funding UNRWA.

More than ever, the choice is clear. Either allow Israel to dismantle the international-law-based order or uphold its rule. It is time to end Israeli impunity. From colonialism to apartheid, from ethnic cleansing to genocide, when is it time to tell Israel that enough is enough? The policy of cajoling Israel has brought to power the most openly supremacist and racist Government in the history of Israel. Only accountability can help us correct course. Our road map is clear: stop the genocide; ceasefire; justice; freedom; and peace, in that order. That is the only pathway out of this cruel madness. The Palestinian people deserve nothing less. They will accept nothing else. Justice is what they have been denied for far too long. Freedom is their birthright. Peace is our common goal and horizon.

The President (*spoke in French*): I now give the floor to the representative of Israel.

Mr. Miller (Israel): On 7 October 2023, an actual genocidal terrorist organization that openly and proudly declares its genocidal agenda perpetrated actual genocidal acts. That same organization continues to attack Israel, to hold hostages in brutal conditions and declares regularly its intention to repeat its atrocities again and again and again. And yet none of that has merited serious attention, let alone condemnation, by the Security Council, or anything approaching the condemnation and revulsion it should merit in United Nations reports.

The message to Israel's citizens and to the hostages, not only from some addressing the Council, but too often from the Council itself, has been: "Your humanity does not matter to us. You are not deserving of protection". Instead, we are witness to an obscene inversion of reality. It is not Hamas that is being charged with genocide. It is not its supporters in Tehran and Pretoria that are being held to account. It is the country that is the victim of Hamas's genocidal campaign that is again and again and again the subject of outrageous accusations — the more extreme the better — that hinge on telling a story in which Hamas, its abuse of civilians and civilian infrastructure and its utter brutality simply disappear. That this pattern of distorting so-called reality to the Security Council is a matter of routine does not make it morally acceptable, and it only compounds the disconnect between what is

so often said in this Chamber and what is happening in actual reality. A lie told 1,000 times is not less of a lie.

Yes, the civilian suffering in this war, for both Israelis and Palestinians, is tragic. It is heart-wrenching, but it is impossible to understand this tragedy, much less respond to it, by spinning reality. As Israel stated before the International Court of Justice, Israel is committed, as it must be, to comply with the law, and it does so in the face of Hamas's utter contempt for the law. Israel is committed, as it must be, to demonstrate humanity. But it does so in the face of Hamas's utter inhumanity. Those commitments are unwavering and exist quite independently of any International Court of Justice proceedings. But if Hamas's contempt for the law is never part of the discussion, if its utter inhumanity towards Palestinian civilians, as well as Israeli civilians, is simply ignored, then we are not dealing with the agonizing reality and the dilemmas that Israel faces. Seeking to minimize civilian harm against the lawless terrorist organization that seeks to maximize it, we are dealing with libel. There is a reason the Palestinian representative today and the supporters of Hamas, such as South Africa and Algeria, must present so distorted a reality to the Council. It is obvious for them that the brutal reality created by Hamas does not exist, and indeed cannot exist; for if it did, there would be no possible case of genocide. And the effort to demonize Israel, to tell a story in which one side is the victim and the other side is a villain would collapse. Rather, Israel would be a democratic country exercising its right and duty to defend its citizens under near impossible conditions and from a truly genocidal threat.

It is hardly surprising that those who have no qualms about distorting the facts have no hesitation about distorting the law. The very attempt to level the charge of genocide against Israel is an outrageous distortion of the Convention on the Prevention and Punishment of the Crime of Genocide. It is an attempt to strip the word of its unique force and special meaning and to turn the Convention itself into a tool for terrorists, who have total disdain for life and for the law, against those trying to defend against them. The same distortion of the law is now being applied in a transparent attempt to twist and misinterpret the decision of the Court on preliminary measures.

The Court's decision on provisional measures was issued less than a week ago. The matter is before the Court. The arguments on the merits of the case have not even been heard, let alone decided. Yet already the Council has convened. Already the allegations have been

levelled. Already the abusive and politicized nature of this process has been laid bare. The desperate attempt to ascribe blame is transparent political theatre — a verdict looking for a crime. So it seemed appropriate to set the record straight.

First, the assertion made with such confidence by the Palestinian representative — that the Court has found plausible evidence of genocide is a prime example of that desperate distortion. It is a blatant mischaracterization of the very nature of the provisional measures phase of proceedings, of the term plausibility in the Court's jurisprudence and of the Court's actual decision. The Court could not have been clearer that it has not and could not make, at this preliminary stage, any finding on the charge of genocide levelled by South Africa.

Israel is confident that South Africa libel against Israel will be rejected by the International Court of Justice at the merits phase of proceedings. Already it has been widely denounced by numerous States known for their commitment to the rule of law. But the Court, at this early phase of proceedings, had no authority to make findings on the merits and did not do so.

As the Court stated in paragraph 30:

“[a]t the present stage of the proceedings, the Court is not required to ascertain whether any violations of Israel's obligations under the Genocide Convention have occurred. Such a finding could be made by the Court only at the stage of the examination of the merits of the present case.”

Later, presumably realizing that some might have difficulty understanding that paragraph, the Court reiterated the assertion in paragraph 62, and then again in paragraph 84, stating that

“the decision given in the present proceedings is in no way prejudices the question of the jurisdiction of the Court to deal with the merits of the case or any questions relating to the admissibility of the Application or to the merits themselves.”

If the point was not clear enough in the decision, Judges Bhandari and Nolte, in their Declarations, also left no room for misunderstanding. So much for the claim that South Africa's outrageous and false accusations have been given legitimacy by the Court.

Secondly, the supporters of Hamas's genocidal terrorism are similarly and ludicrously trying to assert that the Court has called on Israel to cease its military operations. The opposite is the case. In fact, the Court

unanimously and rightly rejected South Africa's vile attempt to undermine Israel's inherent right to defend itself against the genocidal terrorists of Hamas. Not a single judge suggested otherwise, nor could they have. The very idea that Israel would be denied that fundamental right, while Hamas would be free to continue its terrorist onslaught and hold hostages in brutal captivity is morally and legally unthinkable.

Indeed, by emphasizing that both parties to the conflict are bound by international humanitarian law, the Court clearly indicated that it understands that military operations will continue. The egregious provisional measures requested by South Africa were effectively and summarily dismissed by the Court. The measures indicated relating practice to existing legal obligations to which Israel is already committed. As demonstrated in word and deed, Israel's war is against Hamas, not against Palestinian civilians. That is a matter of explicit Government policy, military directives and procedures. It is no less an expression of Israel's core values.

As stated, our commitment to uphold the law, including obligations under international humanitarian law, is unwavering and exists independent of any International Court of Justice proceedings and of Hamas's contempt for the law. In that context, Israel remains committed to mitigating civilian harm and to facilitating access to humanitarian aid, in accordance with the law, despite all the challenges, while also seeking to assure — as the Council noted in resolution 2720 (2023) — both its humanitarian nature and that it reaches its civilian destination and is not stolen by Hamas. Israel is continuing to work with international stakeholders to further advance that objective.

Israel is also committed to preventing incitement. Like every law-abiding democracy, Israel makes rigorous efforts to draw the line between permissible statements — even those that express pain and outrage in times of crisis and those that go beyond the limits of free speech. As Israel's Attorney General recently stated publicly, any statement calling for intentional harm to civilians contradicts the policy of the State of Israel and could amount to a criminal offence, including the offence of incitement. Several such cases are currently being examined by Israeli law enforcement authorities.

Israel also respects the role given to the International Court of Justice for the settlement of disputes. What it does not respect is the South Africa's blatant abuse of the Court and its procedures or the country's unconscionable efforts to distort the truth in support of a genocidal

terrorist organization, at the expense of both Israelis and Palestinians, who both deserve a peaceful and prosperous future, free of the death cult of Hamas.

Finally, it is quite telling that in the warped description of the Court's decision by Hamas's defenders, no mention is made of the Court's grave concern for the hostages and its unequivocal call for their immediate and unconditional release. Neither, of course, is mention made of the call of one of the judges for South Africa to use its warm relations with the terrorist organization to help secure the hostages' release. It is telling, but not surprising.

Nothing about the description we have heard of the Court's decision, nothing about this grotesque use of the International Court of Justice, nothing about the hasty convening of this meeting of the Security Council has to do with the law. It is about distorting the facts and the law so they can be used as a weapon. It is an assault on integrity of the International Court of Justice as an institution, as much as it is an assault on the truth. It should be treated by the Council accordingly.

Many today raised the issue of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the active and direct role that employees of that United Nations agency played in the 7 October massacre. Israel welcomes the decision of many countries to suspend their funding to UNRWA and calls for an in-depth, independent and transparent investigation into the Agency's conduct in the Gaza Strip, both regarding the involvement of UNRWA employees in the 7 October massacre and regarding the employment of Hamas operatives and the involvement of terrorist elements in its activities.

Incredibly, despite the Security Council's meetings, time and again, to discuss the situation, to discuss the spin and distortions of Hamas's supporters, it still has been unable to condemn the massacres of 7 October by the genocidal terrorists of Hamas, their genocidal incitement or their reprehensible terrorist strategy that causes untold suffering to both Israeli and Palestinian civilians. Until it does, the Council will fail to meet its responsibilities. It will continue to be abused as a forum where lies can be told, where the law can be manipulated to serve its greatest violators, where the victims of terrorism will feel abandoned and where, in the words of Judge Barak at the International Court of Justice, the crimes of Cain can be attributed to Abel.

The President (*spoke in French*): I now give the floor to the representative of South Africa.

Ms. Joyini (South Africa): I thank you, Madam President, as well as Algeria and the members of the Security Council, for providing South Africa an opportunity to address the Council at today's briefing. We thank Mr. Martin Griffiths, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his briefing.

This briefing and the statements of many members of the Council this morning provides a glaring reflection of the devastating situation in Gaza and the atrocities being committed in Palestine through the targeting of civilians, civilian infrastructure, United Nations premises and other vulnerable targets.

Israel's daily actions, which we are all witnessing, are a violation of international law, including the Charter of the United Nations, the Geneva Convention and its Protocols. As South Africa has stated before, in its attacks on, and kidnapping of, innocent civilians, Hamas has also violated international law.

The events of the past few months in Gaza have illustrated that Israel is acting contrary to its obligations under international law, including under the Convention on the Prevention and Punishment of the Crime of Genocide. South Africa has thus opted to resort to international judicial mechanisms, including the International Criminal Court and the International Court of Justice, to seek justice for the people of Palestine.

We reiterate that the international community cannot proclaim the importance of international law and the importance of the United Nations Charter in some situations and not in others, as if the rule of law applied only to a select few. For international law to be credible, it should be uniformly applied and not selective.

Accordingly, on 29 December 2023, South Africa filed an application instituting legal proceedings at the International Court of Justice against Israel under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide with respect to the Israeli conduct in the present conflict in Gaza. The matter was heard in The Hague on 11 and 12 January 2024 in relation to the request for provisional measures.

South Africa and Israel are both parties to the Genocide Convention, which has as its objective the prevention and punishment of perpetrators of the crime of genocide, which includes in accordance with article III of the Convention, genocide, conspiracy to commit

genocide, direct and public incitement to commit genocide, attempt to commit genocide and complicity in genocide.

On 26 January, the Court delivered its order on South Africa's request for provisional measures determining that Israel's actions in Gaza are plausibly genocidal. The Court was near unanimous in its order for provisional measures, which include that Israel shall take all measures within its power to prevent all acts of genocide, as contained in article II of the Genocide Convention, and prevent and punish direct and public incitement to do so. Israel furthermore is required to take effective measures to provide urgently needed basic services and humanitarian assistance. It is not just about more aid; it is about complete, unhindered aid. Furthermore, Israel must ensure effective measures are taken to prevent the destruction of evidence and ensure its preservation. Importantly, Israel is required to provide a report to the Court on the measures it has taken to give effect to the provisional measures within one month.

The provisional measures are directly binding on Israel, which is required, pursuant to the Court's order and to the Genocide Convention itself, to stop all acts by it that are plausibly genocidal. There is clearly no credible basis for Israel to continue to claim that its military actions are in full compliance with international law, including the Genocide Convention, having regard to the Court's ruling.

Additionally, following the Court's order, third States are now on notice of the existence of a serious risk of genocide against the Palestinian people in Gaza. They must therefore also act independently and immediately to prevent genocide by Israel and to ensure that they are not themselves in violation of the Genocide Convention, including by aiding or assisting in the commission of genocide. That necessarily imposes an obligation on all States to cease funding and facilitating Israel's military actions, which are plausibly genocidal.

The International Court of Justice ruling, as read out by Judge Donoghue of the United States, noted that Israel used the notion of self-defence as it attempted defence of the actions which South Africa maintained were genocidal. The Court only noted the Israeli defence without giving it any further credence. It did not have to, as the Court and the judges are well aware of the Court's own advisory opinion of 2004 on the matter pertaining to the legal consequences of the construction of a wall in the occupied Palestinian territory (see A/ES10/273), where the Court asserted that an occupying Power

cannot rely on Article 51 with regard to the people that it occupies. Therefore, the assertion by the representatives of the United States and Israel that the Court reaffirmed the United States' understanding of the issue of self-defence is not accurate.

The decision by the Court marks a decisive victory for the international rule of law and a significant milestone in the search for justice for the Palestinian people. The Court's decision also affirms the importance of global governance institutions, including organs of the United Nations. It remains vital for all Member States to respect and implement the decisions of the Court. Hopefully, it will provide a new impetus to the search for a lasting political solution and peace and stability in the Middle East.

South Africa sincerely hopes that Israel will not act to frustrate the application of the order, as it has publicly threatened to do, but that it will instead act to comply with it fully, as it is bound to do. Unfortunately, in the days since the Court's decision, we have seen the Israeli Government continue its illegal actions in violation of the Court order.

South Africa will continue to act within the institutions of global governance to protect the rights, including the fundamental right to life, of Palestinians in Gaza — which remain at urgent risk, including from Israeli military assault, starvation and disease — and to obtain the fair and equal application of international law to all, in the interest of our collective humanity. Notably, South Africa will continue to do everything within its power to preserve the existence of the Palestinian people as a group, to end all acts of apartheid and genocide against the Palestinian people and to walk with them to the realization of their collective right to self-determination.

South Africa welcomes the support expressed by several countries and encourages States that are so inclined to approach the Court to intervene in the proceedings, so as to send a strong message to the international community that the situation in the Gaza Strip is indefensible.

South Africa has noted with great concern the allegations by Israel that 12 United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) staff members were involved in the 7 October attacks. We welcome the announcement by the Secretary-General that the United Nations is

taking swift action following the allegations and that an investigation by the Office of Internal Oversight Services was immediately activated. We are extremely concerned by the announcement by various countries of their intention to withdraw humanitarian funding to UNRWA following the accusations. South Africa supports the call by the Secretary-General for the countries that have decided to withdraw or pause their funding for UNRWA to reconsider their decisions. UNRWA has been providing life-saving humanitarian assistance to Palestinians for decades. Withdrawing funding from UNRWA will worsen an already dire and complex humanitarian situation. South Africa appeals to those countries to reconsider their decisions.

In conclusion, South Africa would like to repeat what it stated a few days ago in this Chamber (see S/PV.9534). War is never wise. When the use of force is utilized anywhere in the world, irrespective of whether it is lawful or unlawful, the laws of war must be applied, and civilians must be protected. The Council must fulfil its mandate and focus its efforts on enforcing peace.

The President (*spoke in French*): There are no more names inscribed on the list of speakers.

I now invite Council Members to informal consultations to continue our discussion on the subject.

Before adjourning the meeting, as this is the last scheduled meeting of the Council for the month of January, I would like to express the sincere appreciation of the delegation of France to the members of the Council and the secretariat of the Council for the support they have given us.

At the end of this busy month, we can take satisfaction in having reached consensus on several important issues within our purview. We could not have done it alone and without the hard work, dedication, commitment and contributions of every delegation and the representatives of the Secretariat, including the technical support team, conference service officers, interpreters, translators, verbatim reporters and security staff.

As we end our presidency, I know I speak on behalf of the Council in wishing the delegation of Guyana good luck on assuming the presidency in the month of February.

The meeting rose at 1.40 p.m.