

# GICJ DIGEST



Issue 1 of the GICJ Monthly Digest examines humanitarian access in Gaza amid ongoing hostilities and restrictions on aid delivery. Drawing on UN reporting and GICJ monitoring at HRC61, the issue explores the gap between international humanitarian law obligations and their enforcement in practice.

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# HUMANITARIAN ACCESS IN GAZA AND THE LIMITS OF ENFORCEMENT UNDER INTERNATIONAL LAW

## GICJ MONITORING AND ADVOCACY AT HRC 61

During the 61st session of the Human Rights Council, GICJ monitored a series of discussions concerning the humanitarian situation in the Occupied Palestinian Territory through reports including *The Concerning Expansion of Illegal Israeli Settlements*, *Beyond Condemnation: Accountability and Action in the Occupied Palestinian Territory*, and *Trapped in an Ever-Shrinking Gaza*. Across these discussions, recurring concerns included restrictions on humanitarian access, destruction of civilian infrastructure, food insecurity, displacement, and the continuing gap between international legal obligations and their enforcement in practice. Together, the reports reflected a broader concern central to this issue of the Digest: while humanitarian suffering in Gaza continues to be extensively documented by states, UN bodies, and civil society organizations, effective implementation and enforcement of obligations relating to humanitarian access and civilian protection remain severely constrained in practice.



### The Concerning Expansion of Illegal Israeli Settlements

The report documented practices contributing to the deterioration of humanitarian conditions, including the demolition of more than 1,700 Palestinian-owned structures, the displacement of over 36,000 Palestinians, and the destruction of agricultural resources, including more than 26,000 Palestinian-owned trees. Discussions repeatedly emphasized that restrictions on movement, land access, housing, and civilian infrastructure have direct consequences for food security, livelihoods, and humanitarian operations across the Occupied Palestinian Territory. Multiple delegations also referred specifically to shortages of food, clean water, medical supplies, and shelter in Gaza, while condemning restrictions affecting humanitarian assistance and civilian infrastructure.

Several delegations additionally linked these developments to broader obligations under international humanitarian law. Malaysia emphasized that humanitarian assistance constitutes a legal obligation, while other states highlighted the persistent gap between legal protections and their implementation in practice.

### Beyond Condemnation: Accountability and Action in the Occupied Palestinian Territory

During the Interactive Dialogue with the Special Rapporteur on the Occupied Palestinian Territory, several delegations raised concerns regarding restrictions affecting food, water, medical care, and humanitarian assistance in Gaza. Representatives repeatedly linked the humanitarian crisis to the absence of effective accountability and enforcement mechanisms. The Representative of Palestine referred specifically to starvation and deteriorating detention conditions, while the Representative of Mauritania stated that hunger and the collapse of healthcare services “are not isolated incidents, but form part of a comprehensive policy pursued by Israel.” The Representative of Russia similarly called for unhindered humanitarian access and the restoration of destroyed civilian infrastructure.



UNRWA further reported that 391 UNRWA personnel had been killed in Gaza since October 2023 and raised concerns regarding attacks affecting humanitarian operations and humanitarian personnel. Discussions throughout the dialogue repeatedly emphasized that continuing impunity risks undermining civilian protection and humanitarian operations in practice.

### Trapped in an Ever-Shrinking Gaza

Drawing on the High Commissioner for Human Rights’ report, the discussions highlighted the severe humanitarian consequences of ongoing military operations and restrictions affecting civilian survival in Gaza. According to the report, approximately 90 percent of Gaza’s population had been displaced by the end of the reporting period, while 81 percent of all structures in Gaza were either damaged or destroyed. The destruction extended to hospitals, schools, food-related facilities, water infrastructure, tents sheltering internally displaced persons, and vehicles essential for food distribution and humanitarian operations. The report further noted that by August 2025, famine had been confirmed in the Gaza Governorate, while at least 463 Palestinians reportedly starved to death during the covered period.

Humanitarian access remained a recurring concern during the interactive dialogue. The European Union called for “full and unimpeded humanitarian access to Gaza,” while Kenya, speaking on behalf of the African Group, demanded the urgent and unhindered delivery of humanitarian assistance and the lifting of the blockade on Gaza. Australia similarly stressed that sustained humanitarian assistance must be allowed into Gaza, while Ireland condemned restrictions preventing the entry of humanitarian supplies and essential medical devices.



## DOCUMENTED HUMANITARIAN DEVELOPMENTS

### UNRWA

Reporting by the United Nations Relief and Works Agency for Palestine Refugees in the Near East has highlighted the increasing strain placed on humanitarian operations in Gaza amid continuing hostilities and restrictions on access. According to UNRWA's Situation Report of 13 May 2026, Israeli authorities have blocked the Agency from directly bringing humanitarian personnel and aid into Gaza since March 2025, preventing the distribution of food parcels, flour, shelter materials, and other supplies indispensable to civilian survival despite what the Agency described as "huge needs on the ground." At the same time, the expansion of the Israeli-militarised "Yellow Line" in Gaza City and Khan Younis has reportedly placed multiple UNRWA facilities, including schools functioning as emergency shelters for displaced families, near active military zones, further complicating humanitarian interventions and increasing risks to civilian protection.

<https://www.unrwa.org/resources/reports/unrwa-situation-report-221-humanitarian-crisis-gaza-strip-and-occupied-west-bank>



### OHCHR

Reporting by the Office of the United Nations High Commissioner for Human Rights continues to highlight the link between ongoing humanitarian suffering in Gaza and the persistent lack of effective accountability mechanisms. In a statement released on 22 May 2026, UN Human Rights warned that killings, destruction, displacement, and restrictions on humanitarian access persist despite the October 2025 ceasefire, raising "urgent concerns about accountability, the protection of civilians and the future of Palestinian self-determination."

According to the report, approximately 60 percent of Gaza remains under Israeli forces' control, contributing to severe overcrowding, restrictions on movement, and ongoing humanitarian deterioration. UN Human Rights further noted that reconstruction efforts remain extremely limited, while sewage flows, debris, unexploded ordnance, and shelter shortages continue to affect civilian living conditions across the territory.

Particularly significant were remarks by Ajith Sunghay, the UN Human Rights representative in the Occupied Palestinian Territory, who stated that "as long as there is no accountability and as long as there is impunity, violations will unfortunately continue." His statement reflects a broader concern increasingly visible in international institutional reporting: while violations continue to be documented extensively, the implementation and enforcement of humanitarian obligations remain heavily dependent on political and institutional mechanisms that often struggle to produce effective compliance in practice.

<https://www.ohchr.org/en/stories/2026/05/gaza-and-west-bank-crisis-deepens-amid-calls-accountability>

### OCHA

According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), humanitarian operations remain severely constrained by restrictions on the entry of generators, engine oil, and spare parts, leading to widespread failures across health services, water distribution, sanitation infrastructure, and humanitarian mobility.

The report notes that only 16 of 73 sewage pumping stations remained operational as of April 2026, resulting in the discharge of approximately 40,000 cubic meters of sewage per day into residential areas, groundwater, and the sea. At the same time, the collapse of critical infrastructure has significantly affected humanitarian operations: debris-removal capacity reportedly fell from about 25,000 tons per day to around 5,000 tons due to nonfunctional machinery and spare-parts shortages. OCHA further warned that continued delays in permitting the entry of lubricant oil and spare parts risk the "rapid collapse of essential services," including water production, telecommunications infrastructure, and emergency coordination systems.

Humanitarian personnel have increasingly been affected by hostilities. As of 29 April 2026, OCHA had recorded the deaths of at least 593 aid workers in Gaza since October 2023, including eight since the ceasefire announcement in October 2025. In April 2026 alone, two NGO workers were reportedly killed in separate incidents that damaged medical and water infrastructure, leading to the suspension of related humanitarian services.

The humanitarian consequences of these operational restrictions continue to extend beyond immediate aid delivery. OCHA reported that approximately 60 percent of families in Gaza face difficulties accessing sufficient clean water, while the cost of living has risen to about 282 percent of pre-war levels. At the same time, only 296 of 683 health service points in Gaza remained operational as of April 2026, with only 23 described as fully functional.

Collectively, these developments reinforce a broader concern already reflected throughout this issue of the Digest: while international humanitarian law sets out extensive obligations for humanitarian access and civilian protection, the practical implementation of these obligations remains heavily dependent on operational access, institutional capacity, and political will to ensure compliance.

<https://www.ochaopt.org/content/humanitarian-situation-report-1-may-2026>



## LEGAL OBLIGATIONS UNDER IHL

The humanitarian developments documented by UNRWA, OHCHR, OCHA, and GICJ throughout HRC61 engage a number of obligations under international humanitarian law relating to humanitarian relief, civilian protection, and the protection of objects indispensable to civilian survival. Reports concerning restrictions on the entry of humanitarian aid, attacks affecting civilian infrastructure and humanitarian personnel, displacement, food insecurity, and the deterioration of water and healthcare systems are not only humanitarian concerns, but also situations specifically regulated by the Geneva Conventions, Additional Protocol I, and customary international humanitarian law. The following section therefore examines the principal legal provisions governing humanitarian access, civilian protection, starvation prohibitions, and the protection of humanitarian operations in the context of the current situation in Gaza.

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The current situation in Gaza entails several obligations under international humanitarian law concerning humanitarian relief operations, civilian protection, and the protection of objects indispensable to civilian survival. Under Article 59 of the Fourth Geneva Convention, when the population of an occupied territory is inadequately supplied, the occupying power must agree to and facilitate relief schemes providing foodstuffs, medical supplies, and other humanitarian assistance necessary for the civilian population. Complementing this obligation, Article 70 of Additional Protocol I requires parties to an armed conflict to allow and facilitate the “rapid and unimpeded passage” of humanitarian relief consignments, equipment, and personnel intended for civilians in need. Considering reports that UNRWA has been prevented from directly bringing humanitarian aid and personnel into Gaza since March 2025, including food parcels, flour, and medical supplies, these provisions remain central to the legal framework governing humanitarian access in the territory.

The reported expansion of militarised zones in proximity to schools functioning as emergency shelters and other UNRWA facilities also engages obligations concerning the protection of civilians and civilian objects during armed conflict. Article 52 of Additional Protocol I establishes the general protection of civilian objects, including schools and shelters not used for military purposes, while Article 58 requires parties to avoid locating military objectives within or near densely populated areas and to take precautions to protect civilians from the dangers arising from military operations. Relatedly, Article 18 of the Fourth Geneva Convention provides that civilian hospitals and medical facilities “may in no circumstances be the object of attack” and must be respected and protected by parties to the conflict.

Reports of damage to humanitarian and medical facilities, as well as the increasing proximity of civilian shelters to active military zones, therefore, raise continuing concerns regarding the implementation of these protective obligations in practice.

At the same time, reports of food insecurity, deteriorating sanitary conditions, and restrictions on the delivery of humanitarian assistance increasingly intersect with prohibitions on starvation and on the protection of objects indispensable to civilian survival. Article 54 of Additional Protocol I prohibits the starvation of civilians as a method of warfare, including the destruction, removal, or denial of access to objects indispensable to civilian survival, such as foodstuffs and drinking water. In parallel, Article 71 of Additional Protocol I requires that humanitarian relief personnel be respected and protected and that parties receiving relief consignments assist such personnel in carrying out their humanitarian mission. Collectively, these provisions form the legal framework through which current restrictions on humanitarian access and civilian protection in Gaza continue to be assessed under international humanitarian law. They also reinforce broader obligations concerning the protection of civilians and the repression of serious violations where humanitarian operations and civilian survival are persistently affected during armed conflict.



## ENFORCEMENT GAP

# WHY DOES THE EXISTENCE OF LEGAL OBLIGATIONS NOT NECESSARILY PRODUCE IMPLEMENTATION?

International humanitarian law contains extensive obligations, yet its implementation depends heavily on political, institutional, and operational mechanisms that remain limited during ongoing conflict.

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### Challenges of Implementation and Enforcement

While international humanitarian law establishes broad obligations to safeguard civilians and support humanitarian aid, legal norms alone do not guarantee their observance in practice. The main issue in modern conflicts, such as those in Gaza, is less about legal recognition and more about effective implementation and enforcement.

A key challenge is that international humanitarian law mainly relies on the willingness of parties in armed conflict to adhere to their duties. As highlighted by the ICRC, the primary obstacle to protecting civilians and preventing humanitarian emergencies is often just the non-compliance with IHL. Even when obligations for humanitarian access are explicitly outlined in the Geneva Conventions and Additional Protocols, their enforcement can be greatly limited during ongoing hostilities.

The ICRC further emphasizes that humanitarian pauses or corridors, while capable of temporarily facilitating aid delivery, “do not necessarily fulfill the ongoing legal obligations of the parties” and cannot justify broader restrictions on humanitarian access. This highlights a broader structural issue in IHL implementation: partial or temporary humanitarian measures may coexist with ongoing limitations on the sustained delivery of essential assistance.

The legal framework itself imposes clear duties on parties to armed conflict. Under IHL, parties must allow and facilitate humanitarian relief and ensure access to objects indispensable to civilian survival, including food, water, and medical supplies. In situations of occupation, the occupying power is specifically required to ensure the provision of food and medical supplies to the civilian population and to facilitate relief efforts “by all the means at its disposal.” Nevertheless, the practical implementation of these obligations often depends on military, political, and institutional considerations.

Another major limitation concerns enforcement mechanisms. Unlike domestic legal systems, international humanitarian law lacks a centralized enforcement authority capable of directly compelling compliance. The ICRC stresses that “implementation of IHL cannot, in itself, ensure IHL is fully respected without political will and a compliance mindset.” States remain “primarily responsible for ensuring full compliance with IHL,” chiefly through domestic legislation, investigations, and the prosecution of violations. However, the report acknowledges that “implementation of IHL and compliance with it are still insufficient.”

Repressing violations also depends on domestic and international accountability mechanisms. According to the ICRC, criminal sanctions and the prosecution of war crimes are essential tools for ensuring compliance and preventing impunity. The report further highlights universal jurisdiction and support for the International Criminal Court as indicators of a state’s commitment to enforcing IHL. Yet these mechanisms often depend on state cooperation, political consensus, and institutional capacity, all of which may remain limited during ongoing conflicts.

Consequently, contemporary armed conflicts reveal not only the existence of humanitarian obligations under international law but also the persistent gap between legal norms and their effective enforcement in practice.

ICRC Report: <https://international-review.icrc.org/sites/default/files/reviews-pdf/2025-03/reports-and-documents-ihl-and-the-challenges-of-contemporary-armed-conflicts-927.pdf>



# KEY CONCEPTS IN FOCUS

Recent discussions concerning Gaza have repeatedly referred to concepts such as humanitarian access, starvation of civilians, and humanitarian corridors. While these terms are frequently invoked in political and humanitarian debates, they also possess specific meanings and legal implications under international humanitarian law. The following section briefly explains several key concepts central to current discussions surrounding humanitarian operations and civilian protection in Gaza.

## 1. What is 'Humanitarian Access'?

Under international humanitarian law, the concept of humanitarian access pertains to the ability of impartial organizations to deliver aid vital for the survival of civilians affected by armed conflict, including food, medical supplies, shelter materials, and personnel. The legal foundation for this access is primarily established in Article 59 of the Fourth Geneva Convention and Article 70 of Additional Protocol I, which mandate parties to permit and facilitate relief efforts in areas where civilian populations are insufficiently supplied.

Resolution 46/182 affirms that UN humanitarian assistance access be provided in accordance with the principles of humanity, neutrality, impartiality, and independence.

## 2. What constitutes 'Starvation of Civilians'?

International humanitarian law bans starving civilians as a warfare tactic. Rule 53 of the ICRC Customary IHL Study states that this ban covers not only the direct starvation of civilians but also actions that impact vital objects for civilian survival and restrictions on humanitarian aid for those in need. It clarifies that "attacking objects vital for civilian survival" and "deliberately blocking humanitarian assistance" may break the starvation prohibition. This ban is set out in Article 54(1) of Additional Protocol I and is criminalized by Article 8(2)(b)(xxv) of the Rome Statute, which considers "intentionally using starvation of civilians as a method of warfare" a war crime in international conflicts. The ICRC also notes that siege warfare or blockades are generally allowed but become illegal if their goal is to starve civilians or deny them access to essential humanitarian aid.



## 3. What are 'Humanitarian Corridors'?

Humanitarian corridors are temporary routes or arrangements established during armed conflict to enable the safe passage of civilians and the delivery of humanitarian assistance, including food, medical supplies, and humanitarian personnel. Although international humanitarian law does not provide a single formal definition of "humanitarian corridors," their legal basis stems from broader obligations to allow and facilitate humanitarian relief operations for civilians in need.

These obligations are reflected in Article 23 of the Fourth Geneva Convention, which requires parties to permit the free passage of medical and other essential consignments intended for civilians, and in Articles 70 and 71 of Additional Protocol I, which address humanitarian relief operations and the protection of relief personnel. The International Committee of the Red Cross further explains that humanitarian corridors and pauses are temporary arrangements intended to facilitate aid delivery or civilian evacuation during hostilities, but that they do not replace the ongoing obligation of parties to ensure humanitarian access under international humanitarian law.



## TOWARDS ACCOUNTABILITY?

Alongside humanitarian and legal developments on the ground, international institutions have continued to address questions of accountability, enforcement, and compliance concerning the situation in Gaza. Recent proceedings before international courts and discussions within UN bodies reflect ongoing efforts to investigate alleged violations, clarify legal obligations, and maintain international attention on humanitarian access and civilian protection. At the same time, these developments also illustrate the practical limitations of international enforcement mechanisms, which often remain dependent on state cooperation and political implementation.

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### ICC

According to the ICC's Court Today update of 11 May 2026, proceedings in the Situation in Palestine remain ongoing, with three arrest warrants currently issued and no suspects in custody. The Court recalled that Palestine accepted ICC jurisdiction under Article 12(3) of the Rome Statute on 1 January 2015 and formally acceded to the Statute on 2 January 2015. Following Pre-Trial Chamber I's 5 February 2021 decision confirming the Court's territorial jurisdiction over Gaza, the West Bank, and East Jerusalem, the Prosecutor formally opened an investigation into the Situation in Palestine on 3 March 2021.

The update further notes that on 21 November 2024, ICC Pre-Trial Chamber I issued arrest warrants against Benjamin Netanyahu and Yoav Gallant for alleged crimes against humanity and war crimes committed from at least 8 October 2023 until at least 20 May 2024. However, on 24 April 2025, the Appeals Chamber reversed the Pre-Trial Chamber's earlier decision concerning Israel's jurisdictional challenge and remanded the matter for a new ruling on the substance of the jurisdictional question.

The developments at the ICC are especially significant for ongoing debates about humanitarian access and accountability, as the proceedings address allegations concerning civilian protection, humanitarian conditions, and conduct during armed conflicts. Meanwhile, the absence of suspects in custody highlights a key issue: the ongoing gap between the existence of international legal frameworks and their actual enforcement.

<https://www.icc-cpi.int/sites/default/files/2026-05/TheCourtToday-Eng.pdf>

### ICJ

On 12 March 2026, Namibia, the United States, Hungary, and Fiji submitted declarations of intervention under Article 63 of the ICJ Statute in the case Applications of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel). According to Article 63, states parties to a treaty under interpretation before the Court may intervene if the treaty's construction is in question. The increasing number of interventions highlights the case's growing international importance and the broader legal significance of clarifying obligations under the Genocide Convention. While intervening states do not become parties to the main dispute, their participation can impact the Court's interpretation of key treaty provisions related to state duties, prevention responsibilities, and provisional measures. From an institutional standpoint, these interventions show how countries use international courts not only to clarify the law but also to assert political and diplomatic positions in contentious cases. Additionally, the rising involvement of third states enhances the case's legitimacy and visibility worldwide, especially amid ongoing debates over humanitarian access, civilian protection, and compliance with provisional measures concerning Gaza. However, these interventions also reveal a common limitation in international law: as proceedings expand both procedurally and politically, enforcement and compliance with provisional measures still rely heavily on state cooperation and political influence, given the absence of direct enforcement mechanisms.

### Human Rights Council

The Human Rights Council has continued to address accountability and humanitarian access during its 61st session. On 27 March 2026, the Council adopted resolution A/HRC/61/L.35/Rev.1 on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice, by a recorded vote of 24 in favor, 4 against, and 19 abstentions.

The Council's work also reflects ongoing concern about humanitarian access. During the 61st session, states emphasized that civilians, humanitarian workers, UN facilities, and UN staff must be protected and that sustained, unimpeded humanitarian assistance must flow into Gaza. The EU statement during the interactive dialogue on the High Commissioner's report likewise called for compliance with international humanitarian and human rights law and underscored the need for accountability for violations.

The Human Rights Council does not function as a court. Its resolutions and debates do not directly punish violations. However, they matter because they maintain political pressure, frame legal obligations, support documentation, and help preserve accountability on the international agenda. In this sense, the Council exposes both the strength and the weakness of human rights mechanisms: they can name, document, and condemn violations, but their impact depends on whether states and institutions act on those findings.

