



21 October 2024

To:
Gali Baharav-Miara
Attorney General of Israel
Via online form

To:
Attorney Sagit Afik
The Knesset's Legal Advisor
Via email: mishpatit@knesset.gov.il

**Subject: Bill for the Cessation of UNRWA Activities in the Territory of the State of Israel, 5784–2024;
and Bill for the Cessation of UNRWA Activities, 5784–2024**

In light of the anticipated vote in the Knesset plenum—second and third readings—on the Bill for the Cessation of UNRWA Activities in the Territory of the State of Israel, 5784–2024, and the Bill for the Cessation of UNRWA Activities, 5784–2024 (hereinafter: “the bills” or “the proposed laws”)—we request that you take action to withdraw the bills and refrain from advancing them.

The bills seek to prevent the United Nations Relief and Works Agency for Palestine Refugees in the Near East (hereinafter: UNRWA or the Agency) from undertaking any activities in the territories occupied since 1967, thereby violating Israel’s obligations and duties under international law, as detailed below:

1. Article 2 of the Bill for the Cessation of UNRWA Activities in the Territory of the State of Israel, 5784–2024 stipulates that, “UNRWA (the United Nations Relief and Works Agency) shall not establish any representation, provide any services, or conduct any activities, directly or indirectly, within the sovereign territory of the State of Israel.” The Bill for the Cessation of UNRWA Activities, 5784–2024, provides, inter alia, for the termination of UNRWA’s invitation based on the exchange of letters between Israel and UNRWA dated 14 June 1967. Additionally, it states that, “Authorities of the State, including entities and individuals fulfilling public roles by law, shall not maintain any contact with UNRWA or its representatives” (Article 2).
2. As you know, UNRWA’s operations in the West Bank, including East Jerusalem and the Gaza Strip (hereinafter: the Occupied Territories or the Territories), require coordination with Israeli state authorities, among other things in establishing a management and logistical headquarters for the Agency; obtaining residency and work permits for its staff; coordinating with military authorities regarding the organization’s operations; arrangements for customs exemptions, fees, and taxation; and coordinating the entry and transfer of medicines and other essential supplies.

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Generally, UNRWA's support and assistance work depends on coordination with the state authorities in Israel in almost every area of its operations. Therefore, should the proposed laws be enacted and implemented, they would, in effect, prevent the continuation of UNRWA's operations in the Occupied Territories and lead to the closure of UNRWA's headquarters in East Jerusalem, which provide administrative and operational support for all the Occupied Territories. Such a development would have catastrophic consequences for the Palestinian refugees living in these territories.

3. UNRWA was established pursuant to United Nations General Assembly Resolution 302 (IV) of 8 December 1949 to implement relief and employment programs directly for Palestinian refugees. In the absence of a solution to the refugee issue, the General Assembly has repeatedly renewed UNRWA's mandate, most recently extending it in December 2022 until 30 June 2026. The decision to establish the relief agency was based, inter alia, on General Assembly Resolutions 212 (III) of 19 November 1948 and 194 (III) of 11 December 1948, which affirm the right of return of the Palestinian refugees:

“Refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or equity, should be made good by the Governments or authorities responsible.”

4. On 14 June 1967, an exchange of letters took place between Israel and UNRWA, constituting an agreement regarding the Agency's operations in the Occupied Territories. According to this agreement, Israel agreed to allow UNRWA to continue its assistance to the Palestine refugees, with the full cooperation of the authorities of the State of Israel (hereinafter: the Agreement on UNRWA's Operations). To this end, Israel committed to facilitate “the task of UNRWA to the best of its ability...,” including to “ensure the protection and security of the personnel, installations and property of UNRWA”; “permit the free movement of UNRWA vehicles into, within and out of Israel and the areas in question”; “permit the international staff of the Agency to move in, out and within Israel and the areas in question”; and “permit the local staff of the Agency to move within the areas in question under arrangements made or to be made with the military authorities”. Additionally, the agreement included financial arrangements such as exemptions from customs duties, taxes, and levies on the import of goods and equipment for supplies, among other provisions.
5. Therefore, the Agency's activities in the Occupied Territories are mandated by UN resolutions and the aforementioned agreement with the State of Israel, in accordance with Israel's obligations under international law.
6. The Agency began operating in 1950 and has since provided aid, assistance, and relief to all Palestinian refugees residing in its area of operations who meet this definition, are registered with the Agency, and are in need of support. According to the Agency's website, approximately 5.9 million Palestinian refugees are currently eligible for UNRWA services in Jordan, Lebanon, Syria, the Gaza Strip, and the West Bank, including East Jerusalem.

7. According to the Agency's records, as of the end of 2023, UNRWA was providing support and assistance to approximately 2,500,000 Palestinian refugees in the Occupied Territories (as of September 2023, there were 1,586,965 registered refugees in the Gaza Strip, and as of December 2023, there were 912,879 registered refugees in the West Bank, including East Jerusalem). Among UNRWA's various operations, as of 2023, it operated 384 schools in the Occupied Territories, serving around 343,560 students, in addition to 65 clinics providing primary healthcare services. The Agency employed approximately 14,550 education and healthcare personnel; patient visits to UNRWA clinics in 2023 exceeded 3,300,000 visits. The Agency distributed emergency food and cash assistance to approximately 1,212,479 refugees and provided aid and social services to 59,651 refugees belonging to particularly vulnerable populations. Furthermore, UNRWA offers financial assistance for higher education and technical and vocational training for young men and women, among other services. The Agency also provides emergency services in response to the humanitarian crisis that began with the outbreak of war in Gaza, as detailed below.

See data at the following link:

https://www.unrwa.org/sites/default/files/unrwa_in_action_2024_eng_v3.pdf

8. In practice, UNRWA serves as a lifeline and a source of economic, educational, social, nutritional, and health security for refugees in the Occupied Territories and beyond. Therefore, the proposed cessation of UNRWA's activities, as outlined in the bills, would have catastrophic and wide-ranging consequences for the education, health, social support, food security and economic situation of over 2,500,000 Palestinian refugees in the Occupied Territories who rely entirely on UNRWA's relief, support and employment services.
9. The bills grossly violate the arrangements that govern the relationships between Member States of the United Nations and various UN bodies, including UNRWA. They also contradict the United Nations Charter (hereinafter: the Charter), which obligates Member States to assist UN bodies in all actions taken in accordance with the Charter (Article 2(5)) – this obligation includes UN resolutions concerning the rights of Palestinian refugees, the establishment of UNRWA, and the achievement of its objectives. Additionally, the bills contravene Article 104 of the Charter, which requires UN Member States to ensure the establishment of a legal framework to allow the UN to fulfill its functions and purposes:

“The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.”

10. The bills also directly contradict Article 105 of the United Nations Charter, which establishes the obligation to provide the necessary privileges and immunities required for the organization to fulfill its purposes:

“1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.”

11. The bills also contradict the Convention on the Privileges and Immunities of the United Nations, ratified by Israel on 21 September 1949. Under this convention, Israel is obliged, inter alia, to maintain a legal framework for UN agencies, allowing them to enter into contracts, acquire and dispose of movable and immovable property, and engage in legal proceedings. The convention also establishes provisions for exemptions from customs and taxes, immunity for the protection of the various UN facilities and their personnel, among other provisions. It is important to note in this context that Article (g) of the aforementioned 1967 Agreement on UNRWA's Operations states that Israel agrees that, "the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, to which Israel is a party, shall govern the relations between the Government and UNRWA in all that concerns UNRWA's functions".
12. The bills contradict and undermine the rationale of international humanitarian law, which requires the State of Israel to act for the benefit of the civilian population (Article 43 of the Hague Regulations, 1907). The harm to the essential needs and support systems for all Palestinian refugees in the Occupied Territories (a civilian population), resulting from the bills, is cataclysmic. Article 43 of the Hague Regulations provides that the central consideration in exercising the powers of the occupying force is the welfare of the local population in the occupied territory. It should be noted that the legislative process did not assess the damage that such legislation would cause or its implications for approximately 2,500,000 Palestinian refugees in the Occupied Territories. The bills and the debates surrounding them did not provide any relevant information on this matter.
13. In the aforementioned circumstances, the bills could constitute a form of collective punishment, thereby violating another fundamental principle of international law prohibiting such punishment (Article 50 of the Hague Regulations, Article 33 of the Fourth Geneva Convention, Article 75(2)(d) of Protocol I Additional to the Geneva Conventions of 1977).
14. An additional critical aspect in this regard pertains to the ongoing war in the Gaza Strip, which has and continues to exacerbate the humanitarian crisis there. UNRWA plays a crucial role in providing humanitarian aid and shelter to Palestinians in Gaza. The Agency currently shelters 1.9 million internally-displaced persons while providing food, emergency health services and support in many vital areas. The emergency humanitarian assistance system in the Gaza Strip is heavily reliant on UNRWA's operations, including in areas such as food security, emergency healthcare, medical supplies, medications, fuel, etc., such that UNRWA's operations in the Gaza Strip can be said to serve as a lifeline for all emergency humanitarian aid there.

UNRWA's aid operations in the Gaza Strip can be tracked at the following link:

<https://www.unrwa.org/what-we-do/gaza-supplies-and-dispatch-tracking>

15. Therefore, if the bills are enacted and implemented, they will significantly contribute to the worsening humanitarian crisis in Gaza. Such a development would also undermine the provisional measures handed down by the International Court of Justice (ICJ) in the case brought by the Republic of South Africa against the State of Israel regarding the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip. On 26 January 2024, the ICJ issued its first decision indicating provisional measures, in which it determined, inter alia, that at least some of the acts and omissions allegedly committed by the State of Israel in Gaza, as

alleged by the Republic of South Africa, may fall within the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide. Accordingly, the ICJ ruled that:

“The State of Israel shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, 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, in particular: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and (d) imposing measures intended to prevent births within the group.”

The provisional measures indicated by the ICJ also established that:

“The State of Israel shall 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.”

In March 2024, the ICJ reiterated that the State of Israel must:

“Take all necessary and effective measures to ensure, without delay, in full cooperation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance...”

16. In these circumstances, the bills aimed at terminating UNRWA’s operations in the Occupied Territories not only contradict the aforementioned provisional measures issued by the ICJ, but their consequences may also constitute a violation of Articles II (a) and (c) of the Convention on the Prevention and Punishment of the Crime of Genocide. Terminating UNRWA’s operations, thereby preventing the essential aid provided by the Agency to refugees, particularly in the Gaza Strip, could also amount to a war crime under Article 8(2)(b)(xxv) of the Rome Statute of the International Criminal Court [Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;].
17. Due to the catastrophic implications of the bills, they were presented to the United Nations Security Council on 8 October 2024. The Secretary-General of the United Nations addressed the bills in his speech before the Security Council, clarifying that:

“... I have written directly to Israeli Prime Minister Benjamin Netanyahu to express profound concern about draft legislation that could prevent UNRWA from continuing its essential work in the Occupied Palestinian Territory.

Such a measure would suffocate efforts to ease human suffering and tensions in Gaza, and the entire Occupied Palestinian Territory.

It would be a catastrophe in what is already an unmitigated disaster.

Operationally, the legislation would likely deal a terrible blow to the international humanitarian response in Gaza.

Politically, such legislation would be an enormous setback to sustainable peace efforts and a two-state solution – fanning even more instability and insecurity.
If approved, such legislation would be diametrically opposed to the United Nation’s Charter and in violation of Israel’s obligations under international law.
National legislation cannot alter those obligations.”

The speech is available at the following link:
<https://www.instagram.com/unitednationsjo/reel/DA5hGPMNtD-/>

18. Philippe Lazzarini, the Commissioner-General of UNRWA, also alerted the UN Security Council to the proposed laws and the catastrophic implications of the cessation of UNRWA’s activities at the operational, international legal and political levels:

“In the broader occupied Palestinian territory, the Agency’s operational space is shrinking. Senior Israeli officials have described destroying UNRWA as a war goal. Legislation to end our operations is ready for final adoption by the Israeli Knesset. It seeks to ban UNRWA’s presence and operations in the territory of Israel, revoking its privileges and immunities, in violation of international law. If the bills are adopted, the consequences will be severe. Operationally, the entire humanitarian response in Gaza – which rests on UNRWA’s infrastructure – may disintegrate. Coordination with Israel would cease, further disrupting the provision of shelter, food, and healthcare to people in desperate need as winter approaches. More than 650,000 children would lose any hope of resuming their education and an entire generation would be sacrificed. In the West Bank, the delivery of education, primary healthcare and emergency aid to hundreds of thousands of Palestine Refugees would grind to a halt. Legally, the Knesset legislation violates Israel’s obligations under the United Nations Charter and international law. It defies the will of the international community expressed through General Assembly resolution 302 on UNRWA, and deepens violations recognized by the International Court of Justice. Politically, the anti-UNRWA legislation, which is part of a broader campaign to dismantle the Agency, seeks to strip Palestinians from their refugee status, and change – unilaterally – the parameters for a future political solution.”

The statement is available at the following link: <https://www.unrwa.org/newsroom/official-statements/statement-philippe-lazzarini-commissioner-general-unrwa-united-nations-security-council>

19. It is also worth noting that the proposed laws have faced widespread and severe international criticism and concerns about their implications in terms of both humanitarian issues and international law. Ambassadors from 123 UN Member States have expressed their support for UNRWA and stated their opposition to the two bills, pending before the Knesset, to halt UNRWA’s operations.

The statement is available at the following link: <https://media.un.org/unifeed/en/asset/d328/d3282985>

20. The European Council voiced its opposition and concern regarding the bills and their implications. In the conclusions adopted by the European Council during a meeting on 17 October 2024, it was stated that:

“25. The European Council stresses the essential role of the UN and its agencies, notably UNRWA which provides crucial support to the civilian population, both in Gaza and the wider region. Continued implementation of the UNRWA Action Plan is key. The European Council condemns any attempt to abrogate the 1967 agreement between Israel and UNRWA or to otherwise attempt to obstruct its capacity to operate its mandate.

...

27. In a time of heightened conflict and tension, alongside an alarming trend of disregard for international law, the European Council reaffirms its unwavering commitment to effective multilateralism and to the rules-based international order with the United Nations at its core, steadfastly upholding the UN Charter and the rules and principles enshrined in the UN Charter, including those of sovereignty and territorial integrity, political independence and self-determination.

28. The European Council remains committed to ending impunity and ensuring accountability for violations of international law and international humanitarian law, throughout the world, and recalls the importance of supporting and implementing decisions of international courts.”

The document of the conclusions is available at the following link: <https://www.consilium.europa.eu/media/2pebccz2/20241017-euco-conclusions-en.pdf>

21. US Secretary of State Antony Blinken and US Secretary of Defense Lloyd Austin also expressed their deep concerns over the advancement of the two bills. In their joint letter to Minister of Defense Yoav Gallant and Minister of Strategic Affairs Ron Dermer, they wrote, inter alia, that:

“Relatedly, we are deeply concerned about the potential adoption of Knesset legislation that could remove certain privileges and immunities from the United Nations Relief and Works Agency (UNRWA) and its staff, prohibit official contact with UNRWA, and alter the status quo regarding UNRWA in Jerusalem. While we share your concerns about the serious allegations of certain UNRWA employees participating in the October 7 terrorist attacks and the misuse of UNRWA facilities by Hamas, enacting such restrictions would devastate the Gaza humanitarian response at this critical moment and deny vital educational and social services to tens of thousands of Palestinians in the West Bank and East Jerusalem. This could have implications under relevant US law and policy.

We urge you to take all possible steps, whether with lawmakers or through the authorities of the Prime Minister’s Office, to prevent this from happening.”

The text of the letter is available at the following link: <https://en.majalla.com/node/322651/documents-memoirs/full-text-us-letter-israel-let-aid-gaza-or-face-consequences>

In light of the foregoing, we request that you withdraw these bills and refrain from advancing them toward legislation.

Sincerely,

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