



**International  
Development  
Committee**

Wednesday, 27 November 2024

**Rt Hon David Lammy**  
**Foreign Secretary**  
**Foreign, Commonwealth and Development Office**  
*By email*

**Subject: Israeli actions towards UNRWA**

Dear Foreign Secretary,

Last week, members of the International Development Committee travelled to the West Bank and East Jerusalem, where we met non-governmental organisations and organisations involved in the humanitarian response to the conflict in the region. Those we spoke to were unequivocal: Israel's recent ban on the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), due to take effect early next year, risks breaching multiple international humanitarian laws and obligations.

On 28 October, the Israeli Knesset passed the Law for the Cessation of UNRWA Activities in the State of Israel, and the Law for the Cessation of UNRWA Activities, which are due to take effect on 28 January 2025. The laws specify that:

- UNRWA "shall not operate any representation, provide any services, or carry out any activities, directly or indirectly, within the sovereign territory of the State of Israel"
- "No state authority, including bodies and individuals performing public duties according to law, shall have any contact with UNRWA or any of its representatives."

The four principal effects of the laws are:

- a prohibition on "contact" between any Israeli state authority and UNRWA or anyone acting on UNRWA's behalf
- a prohibition on UNRWA activities in East Jerusalem
- a reservation of the right to bring criminal proceedings against UNRWA staff
- the termination of the Exchange of letters between Israel and UNRWA from 14 June 1967 (the "Comay-Michelmores Exchange of Letters")

These provisions likely present a breach of obligations set out in the Charter of the United Nations and the Convention on the Privileges and Immunities of the United



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Nations and the Geneva Convention, as well as the international humanitarian law obligations of occupying powers. They also appear to violate provisional rulings of the International Court of Justice on preventing genocide in Gaza, and may deepen violations listed in the ICJ advisory opinion of 19 July on the illegality of the ongoing occupation.

As the occupying power of the Occupied Palestinian Territory, Israel is restricted by international humanitarian law to acting only as the temporary administrator of the territory. International humanitarian law also places the onus on the occupying power to provide essential services, including the provision of food and medical supplies, as detailed in article 55 of the Geneva Convention. At present, UNRWA provides these services. However, should the ban on UNRWA activities come into effect, the responsibility for service provision would revert to the Israeli Government. It is unclear how the Israeli Government plans to perform this crucial role, replacing such a well-established, well-staffed and experienced organisation as UNRWA.

UNRWA's delivery of aid and services in Gaza, and the facilities it runs in the West Bank, requires close co-ordination with Israeli authorities. Should a de facto ban come into effect, it looks likely that Israel will no longer issue UNRWA staff with work or entry permits, while co-ordination with the Israeli military – especially on deconfliction work in Gaza – will no longer be possible. This will effectively ban UNRWA from enacting its UN-mandated obligations.

As a UN member state, Israel is bound by its obligations under the UN Charter and has accepted, in accordance with article 2(5), to provide the United Nations with every assistance in any action taken in accordance with the Charter, including the implementation of decisions of the UN General Assembly. Article 105 provides that the UN shall enjoy in the territory of each of its members such privileges and immunities as are necessary for the fulfilment of its purposes; and that members of the United Nations and officials of the UN shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the UN. It is unclear how the new laws are consistent with these fundamental obligations. National legislation cannot override these obligations.

Furthermore, the laws contravene the actions taken by member states through the principal organs of the United Nations, including those set out in General Assembly resolutions on UNRWA's mandate. In addition, requiring UNRWA to effectively cease operations in East Jerusalem and prohibiting Israeli officials' contact with UNRWA constitutes direct obstruction by Israel of UNRWA in the performance of the mandate established under General Assembly resolution 302 (IV) of 8 December 1949 and subsequent relevant resolutions, including General Assembly resolution 77/123 of 12



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December 2022, by which the General Assembly extended the mandate of UNRWA until 30 June 2026.

In an advisory opinion on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, issued on 19 July 2024, the International Court of Justice found that the Israeli occupation, including the application of discriminatory legislation and measures to the OPT, has breached the fundamental norms of international law, including the Palestinians' right to self-determination and the prohibition against the use of force to acquire territory, thus rendering the occupation unlawful. The ICJ further opined that Israel's continued presence in the Occupied Palestinian Territory is unlawful, and that Israel is under an obligation to bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible. In that regard, the new laws, which include measures that seek to entrench this occupation, are inconsistent with the ICJ opinion.

Furthermore, East Jerusalem is not sovereign territory of Israel. In 1980, resolution 478 of the United Nations Security Council condemned Israel's annexation of East Jerusalem and called the domestic legislation purporting to do so "null and void". Accordingly, we believe that Israel has no grounds to exercise any sovereign authority over East Jerusalem, and that the directive that UNRWA must leave East Jerusalem is unlawful on that basis.

Israel's effective legislative ban on UNRWA must not be allowed to be implemented. A ban would not only contravene numerous laws and obligations but would lead to an immediate, potentially irreparable, degradation in the living conditions of Palestinians.

In the light of these concerns:

- Will you share the Government's analysis of the likely impact of the new laws?
- What representations have you made to counterparts within the Israeli Government on the impact and implementation of the new laws?
- How are you co-ordinating with international partners to ensure that international law is upheld, and that those responsible for breaches will be held accountable?
- Are you confident that, should the "ban" take effect, the Israeli Government can satisfactorily replace UNRWA's service provision across the Occupied Palestinian Territory?
- What will be the effect of the ban on other UN agencies operating in the region?
- Is the Government satisfied that UNRWA will be the only UN agency targeted by Israeli legislation?
- What contingencies are in place in the event that Israel implements its legislation on UNRWA?



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We would welcome your response by Friday 6 December. In line with our practice relating to Committee correspondence, we will place this letter and your response in the public domain.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'S', on a light blue background.

**Sarah Champion MP**  
**Chair of the International Development Committee**