

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	747
Land:	Gaza-Vestbredden
Kilde:	UNRWA
Titel:	Letter from the Commisioner-General to the President of the UN General Assembly
Udgivet:	22. februar 2024
Optaget på baggrundsmaterialet:	28. februar 2024

LETTER FROM THE COMMISSIONER-GENERAL TO THE PRESIDENT OF THE UN GENERAL ASSEMBLY

**His Excellency Mr. Dennis Francis, President of the General
Assembly, New York**

Dear Mr. President,

On 7 December 2023, I sent you a letter stating that the situation in Gaza was limiting UNRWA's ability to implement its mandate, with grave humanitarian and political implications. It is with profound regret that I must now inform you that the Agency has reached breaking point, with Israel's repeated calls to dismantle UNRWA and the freezing of funding by donors at a time of unprecedented humanitarian needs in Gaza. The Agency's ability to fulfil the mandate given through General Assembly resolution 302 is now seriously threatened.

In just over four months in Gaza there have been more children, more journalists, more medical personnel, and more UN staff killed than anywhere in the world during a conflict. Over 150 UNRWA premises have been hit by bombardment or shelling, killing over 390 people, and injuring over 1300. Many reports of UN premises being used by Hamas combatants or by the Israeli army are circulating on social media. The last remaining hospitals are collapsing, and doctors amputate children's limbs without anesthetic, which puts pain at a new level for children,

their parents, and medical personnel. According to UN experts, famine is imminent.

It is in this context that on 26 January 2024, the International Court of Justice (ICJ) issued a legally binding provisional ruling that regarding Palestinians in Gaza, Israel must “take all measures within its power to prevent the Commission of all acts within the scope of Article II”¹ of the Convention on the Prevention and Punishment of the Crime of Genocide, as well as “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”².

In the week preceding the ruling of the ICJ, the Israeli authorities informed me that 12 of UNRWA’s 30,000 agency-wide staff were allegedly involved in the horrific attack on 7 October. As Commissioner General, I immediately dismissed the concerned staff, thus terminating their contractual connection to UNRWA. The UN Office of Internal Oversight Services (OIOS) was seized of the matter and the Secretary-General launched an independent review of how UNRWA upholds neutrality principles – the conclusions and recommendations are expected by the end of April 2024. I continue to call on the Government of Israel to cooperate with the OIOS investigation to independently establish the truth. To date, no evidence has been shared by Israel with UNRWA.

His Excellency

Mr. Dennis Francis

President of the General Assembly New York

In reaction to the allegations against UNRWA staff, 16 donor countries announced the pausing or temporary suspension of their contributions to UNRWA, totaling US \$ 450 million, pending reassurances on the Agency’s

response and strengthening of its oversight mechanisms. I have cautioned donors and host countries that without new funding, UNRWA operations across the region will be severely compromised from March.

As a humanitarian and human development agency, UNRWA does not have counterintelligence, police, or criminal justice capacities. Like all UN entities worldwide, UNRWA must rely on host governments, or in this case on Israel as the occupying power, for these capacities. With a view to supporting its neutrality, UNRWA systematically shares its staff list with the host governments in its five fields of operation, and in the case of Gaza and the West Bank, including East Jerusalem, also with the Israeli authorities. When we have detected cavities that could be tunnels under our premises, we have consistently informed the Israeli authorities, protested to the de facto authorities, and listed the concerns in my reports to the General Assembly.

Mr. President,

Since the ICJ ruling, there has been a concerted effort by some Israeli officials to deceptively conflate UNRWA with Hamas, to disrupt UNRWA's operations, and to call for the dismantling of the Agency:

- The Israeli Land Authority has demanded that UNRWA vacate its Kalandia Vocational Training Center in East Jerusalem (assigned to UNRWA by Jordan in 1952) and pay a “usage fee” of over US \$ 4.5 million.
- A Deputy Mayor of Jerusalem has taken steps to evict UNRWA from its HQ of 75 years in East Jerusalem.
- Visas for most international staff, including those in Gaza, have been limited to one or two months.
- The Minister for Finance has stated that he will revoke UNRWA's tax exemption privileges.
- Customs authorities have suspended shipment of UNRWA goods.
- An Israeli bank has blocked an UNRWA account.

- Hundreds of UNRWA local staff have been refused access to Jerusalem since October to reach UNRWA's HQ, schools, and health centers.
- A Bill has been tabled at the Knesset to exclude UNRWA from UN privileges and immunities.
- A second Bill, first tabled in 2021, seeks "to implement Basic Law: Jerusalem Capital of Israel, by preventing any activity by UNRWA in Israeli territory".
- On 31 January 2024, the Prime Minister said UNRWA was "in the service of Hamas".
 - Many Israeli officials have called for donors to cease funding UNRWA, which undermines education, health, and other services essential to Palestine Refugees' human rights.

These actions and statements harm UNRWA's operations, create staff security risks, and obstruct the Agency's General Assembly mandate. UNRWA, like any UN entity, cannot operate without the support of host States.

Mr. President,

I fear we are on the edge of a monumental disaster with grave implications for regional peace, security, and human rights. In the short term, dismantling UNRWA will undermine UN efforts to

address Gaza's humanitarian crisis and worsen the crisis in the West Bank, depriving over half a million children of education and deepening resentment and despair. In the longer-term, it will end UNRWA's stabilizing role that is widely acknowledged, including by senior Israeli civilian and military officials and key donors, as vital to the rights and security of Palestinians and Israelis. It will also weaken prospects for a transition and a political solution to this long-standing conflict.

Calls today by the Government of Israel for UNRWA's closure are not about the Agency's neutrality. Instead, they are about changing the long-standing political parameters for peace in the occupied Palestinian territory set by the General Assembly and the Security Council. They seek to eliminate UNRWA's role in protecting the rights of Palestine Refugees and acting as a witness to their continuing plight. UNRWA's mandate embodies the promise of a political solution. Two weeks before the 7 October attacks, the Israeli Prime Minister presented to the General Assembly a map of a future Israel that encompassed all of Palestine; whereas UNRWA's mandate to provide services to Palestine Refugees within this same area is an obstacle to that map becoming a reality.

For decades, in an untenable arrangement, UNRWA as a humanitarian agency has been left to fill the vacuum resulting from an absence of peace or even a peace process. I believe that the General Assembly now faces a fundamental decision. Will the parameters of peace for Palestinians and Israelis be wiped away by obstructing UNRWA's mandate and defunding the Agency outside of any political agreement and consultation with Palestinians?

Or will this moment of great crisis be used as a catalyst for peace; in which case I urge the General Assembly to provide the political support necessary to sustain UNRWA and the premise of resolution 302 or to create the basis for UNRWA to transition immediately into a long-overdue political solution that can bring peace to Palestinians and Israelis.

Should the General Assembly opt to continue to sustain UNRWA in the best interests of Palestine Refugees, then I further appeal for a solution that closes the gap between UNRWA's mandate and its funding structure, which relies upon voluntary contributions that make it vulnerable to wider political considerations, such as UNRWA faces now.

I finally appeal to the General Assembly to bring human rights and international law back to the center of multilateral action, beginning with the catastrophic situation in Gaza that has worsened by every measure in recent weeks.

Please accept, Mr. President, the assurances of my highest consideration.

Sincerely yours,

Philippe Lazzarini

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