



the commissioner-general  
المفوض العام

31 December 2023

Dear Major General Elian,

I am writing to protest and express the grave concern of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) regarding the firing of shots by the Israeli Defence Forces (IDF) at a United Nations inter-agency humanitarian aid convoy ("the Convoy") led by UNRWA at Shuhada Junction on Saleh el Deen Road, Gaza Strip, on Thursday, 28 December 2023.

The Convoy was led by an UNRWA international staff member, the Convoy Commander, and included four UNRWA staff members, a United Nations Mine Action Service (UNMAS) staff member, a World Food Programme (WFP) staff member and five contracted trucks with five UN contracted drivers and two laborers. The Convoy was led by an UNRWA Armoured Vehicle (AV), with a second UNRWA AV at the rear. The UNRWA AVs were clearly marked with UN signage and UN flags. All UN AV passengers were wearing blue UN Personal Protective Equipment (PPE), including helmets and body armour and the contractor drivers and the laborers were also all wearing blue UN PPE. The route of the Convoy was coordinated with the IDF Coordination and Liaison Administration (CLA) in advance of and throughout the movement. The UN Convoy Commander was in direct contact with CLA, informing CLA of the Convoy's location, its movement, and the incident. Despite these precautions, the following serious incident occurred, which put the safety and security of UN officials and contractors at severe risk and impacted UN assets.

On Thursday, 28 December 2023, at around 1350hrs, the Convoy approached the Shuhada Junction on Saleh el Deen Road (coordinates: 31.465134, 34.426689), and, upon observing the presence of IDF ground elements, stopped approximately 40m away from the IDF ground elements. An IDF armored tank turned its turret to face the Convoy and fired a short burst of small arms fire into the ground to the front of the tank, striking an area approximately 30m distant from the lead UN vehicle. This was followed by repeated short bursts of warning shots, which progressively moved closer to the lead UN vehicle, causing the lead UN AV to reverse approximately 30m onto the Saleh el Deen Road area.

Major General Ghassan Alian  
Head, Coordinator of Government Activities in the Territories  
Ministry of Defence  
Israel

CC : Ambassador Amir Weissbrot  
Head of Bureau, UN and International Organisations Division  
Ministry of Foreign Affairs  
Israel

At approximately 1352hrs, the Convoy Commander established contact with CLA and requested direct communications by CLA with the IDF ground elements and further confirmation of the route for the Convoy. Contact continued from this point onwards with CLA. Despite these communications, warning shots continued to be fired by the IDF ground elements and these shots continued to move closer to the lead UN vehicle. Upon the firing of shots toward the Convoy and throughout this incident, the Convoy Commander consistently used the loudspeaker on the UN AV to communicate with the IDF ground elements, confirming the Convoy was a United Nations convoy and they should not fire. As warning shots continued to come closer to the lead UN vehicle, the Convoy Commander repeated continuously over the loudspeaker that the Convoy was a United Nations convoy and that they should not fire.

Despite this, the IDF ground elements fired a further burst of warning shots and a smoke/flash-bang munition which impacted the lead UN vehicle. The engine block appeared to be directly impacted while the smoke/flash-bang munition also impacted the right side of the lead UN vehicle. This caused momentary loss of visual/situational awareness for the UN personnel due to the smoke surrounding the vehicle. CLA was updated on this direct impact on the lead UN AV.

At 1409hrs the position of the Convoy was again shared with CLA and, from this point onwards, no more shots were fired toward the Convoy. The Convoy remained in position until approximately 1437hrs, when CLA shared an amended coordinated route to the Convoy. The Convoy proceeded, however, the lead UN vehicle lost power at a point south of Bureij Distribution Center and was towed for the remainder of the journey to Rafah. In follow-up communications with CLA at 1716hrs it was verbally acknowledged that the incident should not have occurred and that the IDF would be investigating the incident.

UNRWA strongly protests this apparent targeting of a UN inter-agency aid convoy, endangering UN staff and contractors and inflicting damage on a UN vehicle. At all times, UN personnel and property are protected pursuant to the 1946 Convention on the Privileges and Immunities of the United Nations (the General Convention). Israel is a party to the General Convention without having entered a reservation. The General Convention does not contain anything to the effect that the privileges and immunities for which it provides are subject to abridgement or curtailment in times of armed conflict. The General Convention applies in such circumstances just as much as in times of peace and the immunities for which it provides may not be qualified or overridden by any demands of military expediency or security.

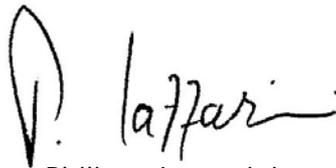
Pursuant to Israel's obligations under international humanitarian law, UN staff and humanitarian aid workers must be protected and respected by parties to the conflict. Israel must ensure their safety and facilitate delivery of humanitarian aid. At no time may UN staff or assets be threatened or attacked.

Further, the State of Israel as the Occupying Power in the Gaza strip must ensure that the population has access to and is provided with the essentials for survival. As a party to the conflict, the State of Israel must allow and facilitate unimpeded humanitarian relief for all civilians in need. The State of Israel must allow access to civilians for supplies that are essential for their survival. Specifically, the State of Israel is required to safeguard an environment for safe and unimpeded delivery of humanitarian aid, and therefore to: ensure that humanitarian supplies to the Gaza Strip match the overwhelming needs of civilians, including fuel, food, medicine, water and hygiene material; ensure and adhere to the de-confliction processes and refrain from attacks and fighting on or around crossing points or aid workers and convoys across the Gaza Strip; and, open safe and regular routes to access northern Gaza to deliver assistance to people in need and civilian facilities including hospitals.

UNRWA protests the above serious incident in the strongest terms and insists that Israel abide by its obligation to protect UNRWA personnel, properties and assets and to avoid any threats or interference with the delivery of humanitarian aid in the Gaza Strip.

UNRWA calls on Israel to conduct a full investigation into this incident and to provide details of its findings to the United Nations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Lazzarini'. The signature is written in a cursive style with a large initial 'P'.

Philippe Lazzarini



united nations relief and works agency  
for palestinian refugees in the near east  
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29 January 2024  
LO/Protest-08

Dear Mr. Simhayoff,

I write to convey again UNRWA's deep concerns regarding the extensive use of tear gas by Israeli Security Forces (ISF) in close proximity to UNRWA installations in Shu'fat Camp. The Camp is home to a significant number of UNRWA registered Palestine refugees, three UNRWA schools, a Health Centre, and other UNRWA installations. Between 7 October and 13 November 2023 alone, there have been over twenty-three (23) occasions where ISF personnel extensively fired tear gas close to UNRWA installations in Shu'fat Camp, impacting the safety and security of our staff and beneficiaries. These actions have resulted in an unprecedented number of tear gas canisters landing inside UNRWA installations and causing chemical contamination inside those facilities. During the mentioned period alone, at least 1054 tear gas canisters fired by ISF personnel were found and collected inside UNRWA installations in Shu'fat Camp. I reiterate that such instances are incompatible with the inviolability of United Nations premises and the immunity of United Nations property and assets from any form of interference.

UNRWA urges the ISF to conduct immediate inquiries into all circumstances surrounding these operations and provide the Agency with the findings of these investigations, including measures taken to hold those responsible for the excessive use of tear gas accountable. Additionally, we urgently request your coordination with the Agency to prevent any similar situations in the future, ensuring the safety and security of UNRWA beneficiaries, staff, and installations, in compliance with relevant provisions of international law, including those concerning the privileges and immunities granted to the United Nations. Lastly, we renew our long-standing request for Israel's cooperation in appointing a formal interlocutor for police matters. Specifically, such a formal appointment would enable the Agency to engage in timely dialogue regarding matters related to UNRWA's operations in Shu'fat Camp.

Notably, the UNRWA Shu'fat Basic Boys School appears to be the most frequently impacted and affected installation in the Camp. Between 7 and 10 October 2023, 180 tear gas canisters fired by the ISF landed within the Basic Boys School on at least three separate occasions. On 12 and 13 October 2023, 300 tear gas canisters landed within the School's boundaries. On 17 and 18 October 2023, 75 and 45 tear gas canisters, respectively, landed within the School's yard.

Between 19 and 20 October 2023, 280 tear gas canisters fired by the ISF landed within the Basic Boys School's yard where a fire erupted due to such an intensive use of tear gas, jeopardizing the safety and security of the entire School. Additionally, it was reported that at the time of the incident, on 19 October 2023, the Shu'fat Checkpoint was closed by the ISF, thus hampering the fire brigade's entrance to the Camp.

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مكتب مدير عمليات الأونروا  
مكتب إقليم الضفة الغربية

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Furthermore, between 21 and 22 October 2023, 23 tear gas canisters landed inside the Boys School. On 23 October 2023, 12 tear gas canisters fired by the ISF landed within the School's yard and one inside the Camp Service Office compound. On 30 October, an ISF operation in the Camp which involved heavy use of tear gas disrupted the operations of the UNRWA schools. As a result, UNRWA students and

staff were forced to evacuate, compromising the safety and security of our personnel and beneficiaries.

Finally, between 1 and 6 November 2023, tear gas canisters fired by the ISF landed inside the Basic Boys School in Shu'fat Camp on four separate occasions (1, 2, 3 and 6 November). A total of 66 tear gas canisters were found and collected at this UNRWA School during this period alone.

Other UNRWA installations in Shu'fat Camp have also been affected. For instance, between 7 and 12 October 2023, 11 tear gas canisters landed inside the UNRWA Shu'fat Basic Girls School. On 15 October 2023, a sound bomb was thrown by ISF personnel in the direction of the Girls School. On the night of 30 October 2023, an ISF operation in the Camp involved heavy use of tear gas close to UNRWA installations. As a result, 12 tear gas canisters landed within the Boys School, 25 tear gas canisters were found in the UNRWA Health Centre yard, and the trees in the Health Center were hit, including one that was set ablaze.

On 8 November, ISF personnel first attempted to forcibly open the UNRWA Health Center's gate, and then briefly entered the Health Center and the Camp Service Office's yard carrying their weapons. On the night of 13 November 2023, during an ISF operation in the Camp, ISF personnel forced open the UNRWA Health Center gate, reportedly with explosive charges, and entered the courtyard. We request clarification as no explanation has been provided for the motivation behind such deeply concerning acts. Any request for access to UNRWA installations or assets should be coordinated directly with UNRWA senior management through the appropriate channels and with the Agency's prior approval. Furthermore, on the night of 13 November, 8 tear gas canisters fired by the ISF while withdrawing from the Camp landed within the UNRWA Boys School.

I protest the disruption caused to UNRWA operations in the Shu'fat Camp, particularly at UNRWA's Basic Boys School, and the ISF's unauthorized entry into UNRWA installations in Shu'fat Camp. In this regard, we draw your attention to Article II, Section 3 of the 1946 Convention on the Privileges and Immunities of the United Nations, which mandates the inviolability of United Nations premises and the immunity of all United Nations property and assets from interference. The regular use of tear gas in such close proximity to UNRWA installations, resulting in these installations frequently being strewn with tear gas canisters, indicates a disregard for the privileges and immunities accorded to UNRWA under international law.

Regrettably, according to our reports, these incidents form part of a broader systemic pattern of excessive use of tear gas by the ISF in densely populated areas. I reiterate our appeal that the ISF refrain from using tear gas and other harmful chemical irritants and riot control agents in confined spaces or densely populated areas, I draw your attention to contemporary international standards such as the UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement issued in 2020, which notes, in section 7.3, that "[r]epeated or prolonged exposure to chemical irritants should be avoided".

UNRWA urges the ISF to refrain from using tear gas against refugees and civilians, especially in confined spaces, in excessive amounts, or when used indiscriminately given the serious risks it poses. Refugee Camps, including the Shu'fat Camp, are densely populated areas where tear gas is bound to enter UNRWA installations, including Schools and Health Centres. As we have emphasized on multiple occasions, tear gas poses acute health risks, including suffocation,

particularly to vulnerable groups such as the elderly, pregnant women, children, and individuals with pre-existing health conditions. The consequences of using tear gas and chemical irritants can be lethal, especially when dispersed in confined spaces, leading to high levels of exposure or containing hazardous levels of active agents. In a 2017 report commissioned by UNRWA, the Human Rights Centre at the University of California, Berkeley, raised serious concerns about the health impact of repeated and excessive exposure to tear gas in Palestine Refugee Camps. The report highlights that deploying chemical irritants in ways that increase the risk of unwarranted injury and death includes firing canisters directly at people and using chemical irritants in high concentrations or confined spaces with limited egress routes.

While the incidents described above violate the privileges and immunities accorded to the United Nations under international law, I am equally concerned about the apparent insufficient caution and restraint being employed to protect our facilities, staff, and beneficiaries from harm. In several cases, the inhalation of tear gas caused suffocation including to beneficiaries and staff present inside the UNRWA premises. All the UNRWA installations in question were visibly marked and identified as UN premises.

Given the gravity of the situation, UNRWA urges Israel to conduct immediate inquiries into all circumstances surrounding these operations. I request that you provide the Agency with the findings and outcome of these investigations, including measures taken to hold those responsible for the excessive use of tear gas accountable. Additionally, I urgently request your coordination with the Agency to prevent any similar situations in the future, ensuring the safety and security of UNRWA beneficiaries, staff, and installations, in compliance with relevant provisions of international law, including those concerning the privileges and immunities granted to the United Nations. I also take this opportunity to draw your attention to an unanswered letter issued by UNRWA, LO/Protest-38, dated 2 August 2023, which addresses other incidents of concern recorded by UNRWA in Shu'fat Camp over the past months.

Lastly, UNRWA urgently renews its long-standing request for cooperation in appointing a formal interlocutor for police matters in East Jerusalem. This appointment would enable the Agency to engage in timely dialogue concerning UNRWA's operations, including formally sharing the coordinates of all its facilities in East Jerusalem as it happens across the West Bank with the relevant authorities in the area.

I trust that the Ministry will give these matters the utmost attention and take appropriate action to address the concerns.

Sincerely,



Adam Bouloukos  
Director of UNRWA Affairs  
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# **FINAL REPORT FOR THE UNITED NATIONS SECRETARY-GENERAL**

**Independent Review of Mechanisms and Procedures  
to Ensure Adherence by UNRWA to  
the Humanitarian Principle of Neutrality**

20 APRIL 2024

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# I. Executive summary

An Independent Review Group on the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was appointed by the United Nations (UN) Secretary-General, in consultation with the UNRWA Commissioner-General, on 5 February 2024. The Group was created to assess whether UNRWA is doing everything within its power to ensure neutrality and respond to allegations of serious neutrality breaches when they are made, taking into account the [...] context in which it has to work, especially in Gaza,<sup>1</sup> and to make recommendations for UNRWA to improve and strengthen in this area, if necessary. This followed allegations made by the Government of Israel in January 2024 that some UNRWA staff may have participated in the 7 October 2023 terror attacks on Israel. The UN Secretary-General also activated a separate investigation by the UN's Office of Internal Oversight Services (OIOS) to determine the veracity of these allegations, which, if proven true, would be horrifying in addition to being a grave violation of their obligations towards the Organization.

In the days and weeks after the allegations, 16 Member State donors suspended or paused funding, and others indicated conditionality. Overall, the suspension of funding amounted to around US\$450 million. Based on initiatives already taken by UNRWA, a number of Member States have since resumed funding. However, Member States requested more information on what had occurred as well as reinforcement of UNRWA's existing neutrality mechanisms and procedures, including staff vetting and oversight.

The Review Group commenced its work on 13 February 2024. Led by Ms. Catherine Colonna, the Group included three research organizations, namely the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Sweden, the Chr. Michelsen Institute in Norway, and the Danish Institute for Human Rights.

Throughout the nine-week review, the Group extensively analysed the mechanisms and procedures currently in place within UNRWA to ensure neutrality and address potential breaches. The Group's members conducted field visits to UNRWA headquarters and facilities in Amman, Jerusalem and the West Bank, engaging with various stakeholders including UNRWA officials, donor Member States, host countries, Israel, the Palestinian Authority, Egypt, UN agencies and non-governmental organizations (NGOs). The Group

conducted meetings and interviews with more than 200 people, including with UNRWA staff in Gaza. Direct contacts were made with 47 countries and organizations.

The three institutes submitted their research to the Secretary-General through his Chef de Cabinet and to the Chair. The present document, which constitutes the final review report, is presented under the responsibility of the Chair.

Situating the review, it is significant that UNRWA continuously operates amid recurring conflicts, violence, a lack of political progress, poor socioeconomic conditions and the proliferation of armed groups. In Gaza in particular, Hamas, the de facto ruling entity until October 2023, is designated as a terrorist organization by major donors such as the United States and the European Union (EU), while other factions also actively oppose the Palestinian Authority. UNRWA's neutrality challenges differ from those of other international organizations due to the magnitude of its operations, with most personnel being locally recruited and recipients of UNRWA services.

In the absence of a political solution between Israel and the Palestinians, UNRWA remains pivotal in providing life-saving humanitarian aid and essential social services, particularly in health and education, to Palestinian refugees in Gaza, Jordan, Lebanon, Syria and the West Bank. As such, UNRWA is irreplaceable and indispensable to Palestinians' human and economic development. In addition, many view UNRWA as a humanitarian lifeline.

As a UN agency, UNRWA and its staff and personnel have a fundamental obligation to maintain neutrality to ensure the integrity of the agency's mission and the effectiveness of its operations. Neutrality is a UN commitment as one of the four humanitarian principles formally adopted by the General Assembly<sup>1</sup> and upheld by other UN agencies while operating in humanitarian settings. It means that humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature. Despite significant investment and efforts, UNRWA's neutrality has been consistently questioned by Palestinian and Israeli stakeholders. In the past, several allegations of neutrality breaches have taken place and disciplinary measures were taken, but allegations of neutrality breaches were never as serious as the ones that surfaced in January 2024.

The Review revealed that UNRWA has established a significant number of mechanisms and procedures to ensure compliance with the humanitarian

principles, with emphasis on the principle of neutrality, and that it possesses a more developed approach to neutrality than other similar UN or NGO entities. The UNRWA Neutrality Framework was established in 2017 “to serve as a repository of existing standards, practices and procedures with regard to neutrality and to introduce new standards and procedures.”<sup>3</sup> The framework aims to “ensure a consistent and coherent approach, agency-wide, to key issues relating to the neutrality of UNRWA operations.”<sup>4</sup> The Framework covers substantive areas including the neutrality of UNRWA staff and other personnel, including their use of social media; neutrality of UNRWA installations; neutrality of UNRWA assets, particularly vehicles; and other areas in relation to UNRWA operations, including donors, partners and agency assistance. Obligations for the agency’s staff are set out clearly in the International Staff Regulations and the Area Staff Regulations dated 1 January 2018.

Despite this robust framework, neutrality-related issues persist. They include instances of staff publicly expressing political views, host-country textbooks with problematic content being used in some UNRWA schools, and politicized staff unions making threats against UNRWA management and causing operational disruptions. The Review identified several measures to help UNRWA address its neutrality challenges in eight critical areas requiring immediate improvement:

- Engagement with donors
- Governance
- Management and internal oversight structures
- Neutrality of staff and behaviour
- Neutrality of installations
- Neutrality of education
- Neutrality of staff unions
- Strengthened partnership with UN agencies

The measures identified in each critical area are designed to help UNRWA face the neutrality challenges stemming from the operational, political and security environment in which it operates. Given the uniqueness of this political context, these measures will have a significant impact only with the support of host countries, Israel and the Palestinian Authority.

## II. Engagement with donors

Donors expressed significant concerns over UNRWA's lack of communication and information-sharing. This has focused not only on the agency's neutrality issues but also on, for example, its budget and its financial state. UNRWA's communication efforts on neutrality are perceived as too defensive and lacking transparency.

UNRWA uses a number of forums and channels to inform donors. However, decision makers in donor capitals often feel that the information shared by UNRWA does not meet their needs. Donors require regular updates on UNRWA's financial status, the impact of the lack of funds on operations, and realistic evidence-based predictions on when the funding shortfall will take effect.

The relationship with donors needs to be deemed a strategic partnership, including on the issue of neutrality. For this, transparency is crucial. UNRWA should engage donors early with neutrality concerns and provide greater financial transparency to restore trust and confidence in the organization.

### **The Chair recommends to:**

1. Increase the frequency and strengthen the transparency of UNRWA's communication with donors on its financial situation and on neutrality allegations and breaches;
  - a. Plan regular updates by UNRWA on its budget and the structure of this budget, including in the Commissioner-General's direct interactions with Governments.
  - b. Establish 'Integrity Briefings' for donors interested in supporting UNRWA on integrity and related issues, with meetings or briefings held at UN headquarters in New York or Geneva.

# III. Governance

UNRWA was established by resolution 302 (IV), adopted by the UN General Assembly (UNGA) on 8 December 1949. The agency is therefore formally mandated by the UNGA, which gives the organization its political support at its mandate renewal every three years. The UNRWA Commissioner-General, who reports directly to the General Assembly, is responsible for all UNRWA activities as well as its administration.

UNRWA does not have an Executive Board, but it does have an Advisory Commission, created in 1949 to advise and assist the Commissioner-General, with currently 29 members and four observers. The Advisory Commission meets in June and November. Discussions of a more operational nature are conducted by a sub-committee.

The Advisory Commission is an advisory body without executive authority. The nature of its proceedings is diplomatic and aims at sharing information and providing advice to UNRWA, rather than adopting resolutions or providing oversight. Instead of meeting within the politically significant venues of the UN's headquarters in New York or Geneva, the Advisory Commission rotates its meetings within UNRWA's host countries.

UNRWA benefits from the fact that donors and host countries as key constituencies are represented in the Advisory Commission. However, this can also constitute a challenge, as political differences affect discussions of organizational and operational matters. The Advisory Commission has frequently been reluctant to consider sensitive neutrality-related issues. When Advisory Commission members are unable to reach consensus, issues are typically not tabled. Some Advisory Commission members have demanded that UNRWA remove discriminatory sentences from textbooks used in its schools, while other Advisory Commission members remain opposed to it. Over the last year, the Advisory Commission did not agree to discuss the neutrality challenges posed by UNRWA's staff unions because of political sensitivities.

These governance arrangements mean that UNRWA cannot rely on the needed political support to effectively address neutrality issues, which, if not provided by the General Assembly, should be provided by the Advisory

Commission or any other governance arrangement. The international community needs to play its part in ensuring that UNRWA fulfils its mandate.

**The Chair recommends to:**

- 2.** Request the Advisory Commission to fulfil its role by effectively advising and assisting UNRWA on fulfilling its mandate, including by:
  - a. Convening at the UN in New York at Permanent Representative level once a year.
  - b. Setting neutrality as a standing agenda item at its twice-yearly meeting.
  - c. Creating an Advisory Commission Working Group on neutrality and integrity issues, and inviting host countries and Israel to present their concerns.
- 3.** Explore additional governance arrangements to assist in providing strategic direction to UNRWA and improving external communications.

## IV. Management and oversight mechanisms

Management and oversight play a key role in ensuring UNRWA reliably implements its organizational policies, agreed procedures and practices on neutrality. UNRWA has important management and oversight mechanisms and procedures in place. However, there is a need to strengthen and restructure relevant departments and reinforce efforts on the nascent Enterprise Risk Management System. Some changes to the modes of management of international and local staff and frameworks for project monitoring are also recommended to ensure UNRWA better manages its neutrality obligations. Of note, some of these workstreams to strengthen UNRWA's oversight and accountability functions have already been initiated.<sup>5</sup>

UNRWA currently implements and enforces neutrality based on the following pillars:

- A regulatory framework and policies with key elements relating to neutrality, such as International and Area Staff Regulations and Rules; a Code of Ethics; Standards of Conduct; and specialized policies, such as a social media policy.
- Operational responses, i.e. monitoring and responding to neutrality concerns in UNRWA installations and education activities.
- Outreach and training on neutrality for staff and other personnel.
- Communication and outreach to external stakeholders on neutrality.

Procedures for complaints about alleged staff misconduct and unauthorized use of the UNRWA name and logo.

UNRWA has in place three specialized bodies leading or supporting these workstreams:

- UNRWA Neutrality Task Force: A senior-level group including the Commissioner-General, convened at short notice when critical neutrality incidents occur or are alleged.
- Humanitarian Principles Team: Led by the Senior Humanitarian Principles Coordinator<sup>6</sup> under the Chief of Protection, this team ensures that UNRWA's operations and services are delivered in compliance with the humanitarian principles, including neutrality. The team is involved in policy development, data coordination, training and outreach.
- Humanitarian Principles Working Group: This standing body comprises department directors who engage with issues related to the humanitarian principles across the agency.

Importantly, the Senior Humanitarian Principles Coordinator is currently housed under the Protection Division, i.e. in UNRWA operations rather than its management or oversight architecture. Neutrality activities are mostly funded through voluntary contributions. Given neutrality's organizational significance to UNRWA, it is recommended that a central neutrality function be established in UNRWA's Executive Office. This would increase UNRWA's ability to effectively coordinate relevant internal entities such as the Department of Legal Affairs, communications, partnerships, human resources and risk management functions.

## **Management**

UNRWA has several organizational and management particularities with an impact on neutrality. Firstly, the agency shows a high degree of vertical integration, i.e. a direct delivery and implementation of the services it oversees, as opposed to outsourcing to implementing partners or suppliers. Secondly, UNRWA covers a vast range of activities, from refugee protection and curriculum development, to garbage collection in camps and communities. Thirdly, a small number of international civil servants (less than 1

per cent of UNRWA's total workforce) leads a vast majority of local area staff, mainly due to scarce resources and UNRWA's reliance on voluntary contributions. UNRWA has not sufficiently modernized its management structure, organization or internal communications to account for this organizational set-up, or to adapt to current management practices within or outside the UN. In 2020, UNRWA launched a series of measures, referred to as the 'Management Initiatives,' to reinvigorate and strengthen its management system. However, several critical areas, such as oversight, have not been sufficiently addressed, as will be further detailed below.

UNRWA's enterprise risk management is another nascent area that warrants reinforced and accelerated efforts in view of the neutrality challenges. Identifying neutrality as a central organizational risk and defining and implementing continuous monitoring and holistic mitigation measures could help more systematically control this risk. The tool could also help allocate resources to neutrality-related efforts in a more rational and efficient manner.

With regards to implementing change initiatives, there are challenges related to UNRWA's staffing structure. UNRWA area staff often remain employed at UNRWA throughout their careers, which is attributable, at least in Gaza, to mobility restrictions and the limited availability of other employment options. The fact that UNRWA is a major employer can create a culture resistant to modernization and reform across levels and roles, as such efforts could entail job cuts. This contextual factor makes change a more complex endeavour for UNRWA management. However, the ability to change and adjust must remain a high priority to ensure the organization can work effectively and efficiently, including to ensure neutrality.

## **Internal oversight**

The Department of Internal Oversight Services (DIOS) is UNRWA's internal oversight body.<sup>7</sup> Its mandate is set out in Organizational Directive 14 (2020),<sup>8</sup> and it consists of three divisions for the oversight functions of internal audit, evaluation and investigation. The Investigations Division is responsible for investigating allegations of neutrality breaches. DIOS exercises operational independence and has the authority to initiate, carry out and report on any action it considers necessary.<sup>9</sup> An Advisory Committee

on Internal Oversight (ACIO) provides expert advice to DIOS and the Commissioner-General.

The investigation mandate of DIOS is administrative in nature and covers various forms of misconduct, such as fraud and corruption, sexual exploitation and abuse, abuse of authority, or failure to observe regulations, rules and other administrative issuances, policies and procedures, including neutrality breaches. Serious misconduct constitutes grounds for summary dismissal.

DIOS overall has sound mechanisms and procedures in place to address alleged neutrality breaches. However, there are significant capacity constraints as well as indications that the structural set-up for reporting and the intake of allegations entails security concerns for staff and personnel that could also result in an underreporting of potential breaches, as further detailed below.

UNRWA is a participating organization of the Joint Inspection Unit (JIU), which provides independent oversight for efficiency, effectiveness and coordination across the UN. The JIU has undertaken reviews of the investigation function (2020)<sup>10</sup> and the internal pre-tribunal appeal mechanisms (2023)<sup>11</sup> in the UN system. The JIU overall concludes that the responsibility for UNRWA's investigation activities is fragmented at the intake, preliminary assessment and investigation stages. Of note, this led the ACIO to recommend an evaluation of DIOS in the form of a commissioned, independent assessment of the agency's investigation function.

## **Reporting and intake of allegations**

All UNRWA staff and personnel have an obligation to report misconduct and, in turn, a right to be protected from retaliation for making such reports in good faith and cooperating with investigations. Allegations of misconduct can be reported in a variety of ways, including anonymously through the DIOS investigation hotline, the Field Investigation Office and supervisors.

Between 2017 and 2022, the annual number of alleged neutrality breaches was between 7 and 55, with an average of 21 alleged breaches per year. Since October 2023, the number of alleged breaches has escalated significantly. Serious allegations recently led the UN Secretary-General to establish this Independent Review of Neutrality, in light of the extremely

serious reputational, financial, political and security implications of such allegations. Between January 2022 and February 2024, the Investigations Division received 151 neutrality-breach allegations. Most alleged neutrality breaches relate to social media posts, reported to UNRWA through external sources. UNRWA has reviewed all external allegations of breaches of neutrality and opened investigations where it has found prima facie evidence of misconduct, more than half of the allegations brought up.

The decentralized intake of allegations currently in place may result in inconsistent reporting of potential breaches. This is a concern first noted by the JIU report on UN internal investigations (2020), which flagged risks due to the decentralized intake and pre-assessment of allegations within UNRWA (and in nine other UN agencies). Allegations of misconduct currently have to be channelled through one of DIOS's six intake committees, established at headquarters and in the five field offices. Allegations, including unauthorized public statements and related activities that could warrant further investigation, are brought to intake committees for their pre-assessment first and to recommend the course of action.

In Gaza and its field offices, the volatile context and security challenges may prevent reporting of allegations and investigating at the local level. Neutrality allegations in the Gaza field offices are currently directly channelled to DIOS headquarters. Field office investigators in Gaza risk their personal security. To remediate this, shortly before hostilities broke out in October 2023, DIOS assigned an international investigator to Gaza. However, due to the security situation, the individual was evacuated and now works remotely.

At the present time, only sexual exploitation and abuse cases are formally required to be handled in a centralized manner across all field offices by the DIOS Investigations Division.

## **Investigations**

A report of an investigation is produced when the alleged facts, following investigation, indicate that the subject's conduct may constitute misconduct, based on a preponderance of evidence. Subsequently, UNRWA Legal and Management, in accordance with the relevant policy (including Personnel Directive 10 on Disciplinary Measures and Procedures), determine

whether the facts constitute misconduct and whether the investigation's conclusions demonstrate "clear and convincing evidence" for a potential sanction or dismissal. At the disciplinary stage, the subject is given a summary of the allegations against them and invited to reply, according to DIOS Investigation Policy. The range of disciplinary sanctions applied include, often in combination, loss of salary, suspension from duty and demotion, or termination of employment.

As of April 2024, 50 neutrality cases are under investigation. There is a clear capacity challenge in managing the number of neutrality allegations through existing structures and staff. Resources are scarce, limiting UNRWA's ability to attract, hire, train and retain suitable, experienced and qualified investigators. The JIU investigations report states: "UNRWA faces persistent challenges in handling the continuously growing number of complaints and new investigation cases, which lead to a growing number of ongoing investigation cases each year, adding to the backlog."

As of April 2024, there are only six international investigator posts in DIOS, two of which are vacant, along with three limited-duration contract positions based on project funding. Furthermore, there are 16 DIOS field investigator posts (11 of which are permanent investigators) based across the five field offices. Given that alleged neutrality breaches are priority concerns in DIOS, financial means are being sought to strengthen investigative capacity by establishing a specialized Neutrality Investigations Unit.

In terms of investigation tools, DIOS, due to funding challenges, does not have access to adequate investigation software, such as that used for internal investigations in the UN Secretariat's OIOS. The software available in DIOS was described as in need of updating.

## **Disciplinary mechanism: the UNRWA Dispute Tribunal**

Local area staff and international staff are entitled to appeal administrative decisions, such as disciplinary measures in response to neutrality violations, first internally, before the UNRWA Dispute Tribunal,<sup>12</sup> and then before the UN Appeals Tribunal.

A review of relevant UNRWA Dispute Tribunal jurisprudence that was decided between 2018 and March 2024 in relation to neutrality cases indicates

that most relate to social media posts. In several instances, applicants who appealed decisions on disciplinary sanctions by UNRWA cited the lack of Arabic-language instructions and training on staff neutrality obligations. Several staff invoked their right to freedom of expression.

The recent JIU assessment report<sup>13</sup> on UN internal pre-tribunal-stage appeal mechanisms (2023) noted that all UNRWA administration of justice-related functions, including the Legal Office for Staff Assistance, are underresourced.<sup>14</sup> It furthermore urged UNRWA to improve outreach and communication, translation services and inclusivity, as well as access to internal justice.

## **UNRWA property, procurement and project oversight**

Undue outside influence on decisions related to UNRWA projects and activities poses a significant risk to UNRWA's neutrality. Hence it is crucial to ensure the integrity of these decisions and processes. In this regard, UNRWA has a developed system in place for external procurement, for inspections of premises, for monitoring and reporting on project progress, and for internal and external evaluations. However, there is room to further bolster existing systems, especially on monitoring.

As discussed further in the chapter on neutrality of installations, UNRWA regularly inspects its installations and reports on any violations of neutrality. Procurement is the responsibility of the Central Support Services Division, regulated by an elaborate procurement manual<sup>15</sup> that specifies procurement authorities and vendor vetting processes. All contracts are made public, as are UNRWA's audit reports, with a system in place to investigate reported irregularities.<sup>16</sup>

Responsibility for monitoring is placed with the Planning Department utilizing a results-based monitoring system and a common monitoring matrix, with dashboards that measure progress towards or deviations from UNRWA's strategic objectives and plans. However, a number of donors noted a need for strengthened project management and monitoring measures in the given operational context. This could include third-party monitoring for particularly sensitive projects, as used elsewhere in similarly fragile operating environments.

UNRWA's independent Evaluation Division is part of DIOS. Charged with generating evidence of the outcomes of UNRWA interventions, including on the efficiency and effectiveness of donor funding used, the Evaluation Division organizes and assures regular UNRWA- or donor-requested internal or external evaluations. It follows a detailed evaluation manual and annual evaluation plans. Evaluation plans and reports are published on UNRWA's website.

Neutrality is addressed in some of the recent evaluations, but so far there are no stand-alone reports on the issue. The Evaluation Division has suggested a potential future evaluation on neutrality.

#### **The Chair recommends to:**

- 4.** Strengthen internal oversight capacity, especially DIOS and the Ethics Office, e.g. through the secondment of staff from OIOS or UN agencies to DIOS and the Ethics Office.
- 5.** Expand the reach and presence of DIOS and the Ethics Office in UNRWA fields of operations.
- 6.** Facilitate interactions between DIOS and external audit structures, such as the UN Secretariat's OIOS. In case of grave allegations, the Commissioner-General to request the UN Secretary-General to refer the investigation to OIOS.
- 7.** Implement periodic evaluations of DIOS, as per previous recommendation by ACIO.
- 8.** Pending an evaluation, create a centralized Neutrality Investigations Unit with international staff, that reports directly to DIOS.
- 9.** Roll out the updated Code of Ethics and associated training to all staff.
- 10.** Strengthen compliance with the Outside and Political Activities Policy.
- 11.** Address neutrality as a strategic risk in the existing Enterprise Risk Management system and assign the responsibility for UNRWA neutrality to the Deputy Commissioner-General Operational Support.

## Management

- 12.** Reinforce the internationalization of UNRWA's senior managerial area staff positions.
- 13.** Require managers, from the most senior levels down to senior area staff, to assume more accountability for staff neutrality, e.g. by mandating regular engagements with their teams on neutrality.
- 14.** Increase the number of women in senior managerial positions among area staff.
- 15.** Develop and implement tailored training programmes on management and oversight for senior area staff who are front-line managers and supervisors.

## Projects

- 16.** Establish a framework with interested donors on project management and monitoring to ensure transparency and traceability of projects.
- 17.** Explore the possibility of third-party monitoring for sensitive projects.
- 18.** Determine safeguards to ensure that projects are in line with UNRWA's overall objectives.

# V. Neutrality of staff

UNRWA employs more than 32,000 staff and personnel, 0.8 per cent of whom are international and 99.2 per cent locally recruited. This includes over more than 5,000 daily paid workers. All categories of UNRWA personnel – international and locally recruited – must deliver their functions in compliance with the principle of neutrality.

## Regulatory Framework

The UN Staff Rules lay out the general principles for appropriate conduct of international civil servants:

*They shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with the proper discharge of their duties with the United Nations. They shall avoid any action and, in particular, any kind of public pronouncement that may adversely reflect on their status, or on the integrity, independence and impartiality that are required by that status.*<sup>17</sup>

These obligations apply to locally recruited staff, as stipulated in UNRWA Area Staff Regulation (2018), article 1.4:

*Staff members shall conduct themselves at all times in a manner befitting their status as employees of the Agency. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the Agency. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status, or on the integrity, independence and impartiality which are required by that status. While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their employment with the Agency.*

The conduct and obligations of UNRWA staff and personnel regarding neutrality are governed by a number of UN-wide documents, as well as UNRWA-specific guiding documents, as laid out in UNRWA's Neutrality Framework: The UN Charter; Standards of Conduct for the International Civil Service; UNRWA Area and International Staff Regulations; Area Staff Rules and International Staff Rules; personnel directives; and administrative issuances.<sup>18</sup>

In addition to the core regulatory frameworks, UNRWA has developed an extensive body of related standards and policies, notably a Code of Ethics (updated 2024),<sup>19</sup> a policy on personal use of social media and guidelines (2021, updated 2024),<sup>20</sup> and staff standards of conduct.<sup>21</sup> These are disseminated through staff information materials and training in English and Arabic.

The general principle reflected in the agency's regulatory framework is that its personnel must be neutral – and be seen to be neutral – at all times. As UN personnel, they may maintain their personal convictions. However, as humanitarian actors, their commitment to neutrality requires limits and constraints to be exercised in ensuring that these personal convictions do not interfere with their duties for the agency. Neutrality entails obligations that all personnel must follow, both on the job and during their free time. Each member of staff and personnel bears primary responsibility for “knowing, understanding and complying with the applicable parts of the regulatory framework.”<sup>22</sup> Further, “all staff have an obligation to report misconduct and are protected from retaliation for making such reports in good faith and cooperating with investigations or audits.”

A number of policies and procedures are recent or recently updated and are currently being implemented across UNRWA, from headquarters to operations in the five fields of operations. However, these measures are being carried out in the context of a financial crisis within UNRWA, where training may be underfunded.

Before employment, all UNRWA staff and personnel make a self-declaration regarding criminal offences, provide a confirmation by host authorities of a clean criminal record, and are screened against the UN sanctions list. Contracts signed by all UNRWA staff include copies of the following: Area Staff Regulations and Rules; Code of Ethics; Impartiality and Neutrality of

UNRWA staff; Prohibition of Violence; Revised Standards of Conduct; and Mandatory Learning Courses.

Daily paid workers' contracts specify that they "shall not engage in public controversies of a political, racial, religious or ideological nature... and shall opt for non-violent means of dealing with conflict."<sup>23</sup> They are expected to uphold these values at all times. Failure constitutes grounds for disciplinary measures, including summary dismissal for serious misconduct.

UNRWA's approach to preventing neutrality breaches focuses on the obligation of individual staff members to know and respect the principle of neutrality, as reflected in elaborate contractual arrangements and the Code of Ethics. However, the responsibility of senior management and area-based managers to ensure their teams fully understand what is expected of them on neutrality is neither articulated nor enforced.

UNRWA developed a Code of Ethics (updated on 24 February 2024) that further details the principles and expected standards of conduct.<sup>24</sup> It exemplifies misconduct as "Attending demonstrations or signing petitions that are political or could become politicized," which is considered a breach of the principle of neutrality. Displaying controversial flags or symbols, or holding political meetings or religious services in UNRWA installations are also breaches of the principle of neutrality.<sup>25</sup> Any involvement in a militarized group that promotes discrimination or violence, such as Hamas or Islamic Jihad, violates the principle of neutrality.

The Ethics Office advises staff and management on the standards of conduct expected from international civil servants across an organization of more than 32,000 staff and personnel. The Review Group notes that the Code of Ethics and Ethics Office are useful mechanisms for setting boundaries for staff conduct in terms of neutrality. However, it is noted, that the Ethics Office consists of only three staff members and needs to be strengthened urgently.

## **Screening and vetting**

UNRWA has a vetting system in place to screen staff and personnel before and during employment.

Prior to employment:

- Standard vetting questions are in place on the recruitment platform, requiring all applicants to self-declare and provide details, if applicable, related to criminal offences, violations of international human rights or international humanitarian law, disciplinary measures or administrative measures, or workplace disciplinary processes or investigations.
- UNRWA screens the names of all potential recruits, irrespective of their contract type, against Clear-Check, a UN system database that includes the UN sanctions list.<sup>26</sup>
- UNRWA conducts checks with local authorities. Area staff are screened against criminal records through requests for non-conviction letters from the local authorities, confirming a clean criminal record or host Government security clearance.

During and after employment:

- In Gaza and the West Bank, all staff payments are processed through the Bank of Palestine, which vets against the EU sanctions list and is subject to the banking regulatory framework governed by the Palestinian Monetary Authority.
- UNRWA screens all active and recently separated personnel who receive monetary compensation from UNRWA against the UN sanctions list in a biannual screening exercise. To improve the screening process, UNRWA introduced the digital LexisNexis Risk Solutions system in 2023 to facilitate the correct matching of names against lists.

Of note, UNRWA screens names using the New Consolidated List<sup>27</sup> established and maintained by the Security Council Committee. However, to date, Hamas and Islamic Jihad, for example, have not been included in this list by the UN Security Council.

UNRWA shares staff lists (names and functions) annually with host countries (Lebanon, Jordan and Syria), and with Israel and the US for East Jerusalem, Gaza and the West Bank.<sup>28</sup> Sharing information on UN staff with host countries is a regular practice that follows the Convention on Immunity

and Privileges. It is then the responsibility of these States to alert UNRWA of any information that may deem a staff member unworthy of diplomatic immunity. Of note, the Israeli Government has not informed UNRWA of any concerns relating to any UNRWA staff based on these staff lists since 2011.

During meetings with Israeli officials, it was communicated that Israel does not consider the sharing of the staff list as a screening or vetting process, but as a standard procedure for the registration of UN and diplomatic staff to ensure their privileges and immunities.

The Israeli Ministry of Foreign Affairs informed that until March 2024, they had received staff lists without identification (ID) numbers. On the basis of the March 2024 list, which contained staff ID numbers, Israel made public claims that a significant number of UNRWA employees are members of terrorist organizations. However, Israel has yet to provide supporting evidence of this.

All UNRWA beneficiaries, contractors, vendors, non-State donors, or any other individual or organization affiliated with UNRWA are screened annually by the agency using the UN and the World Bank sanctions lists. This exercise concerns approximately 8 million records.<sup>29</sup> No matches have been documented to date. UNRWA also receives recommendations from the audit division of the screening process against the UN sanctions list.<sup>30</sup>

Despite a comprehensive set of measures to screen and vet staff and other individuals or organizations affiliated with UNRWA, these measures do not allow sufficient verifications. The UN sanctions lists are limited to a small number of individuals, and UNRWA lacks the support of intelligence services to undertake efficient and comprehensive vetting.

## **Training**

UNRWA established a dedicated Humanitarian Principles Team, which supports the agency in respect of neutrality. As of 2024, the team runs the following training programmes:

- All-staff mandatory neutrality and social media e-learning course.
- In-person training on the humanitarian principles, primarily aimed at area-level staff and educational personnel.

- In-person training on integrated assessments for protection team members.
- In-person training on the humanitarian principles and integrated assessments for installation managers and their deputies.

A new and improved e-learning course on the humanitarian principles, including neutrality, is being rolled out agency-wide.

The mandatory online training programme needs to be complemented with more in-person trainings. It is also advisable to foster a more systematic engagement between UNRWA managers and personnel about how to apply the humanitarian principles, particularly neutrality, in practice in their daily work.

## **Staff care**

Neutrality breaches by UNRWA personnel often take the form of social media posts, particularly following incidents of violence affecting colleagues or relatives. One preventive action could be to ensure that personnel are given a space to discuss these traumatic incidents.

Protection and neutrality officers are a vital resource for staff, but there are only a few, with one Staff Care Officer for all of UNRWA's West Bank operations. Staff and mental health care issues should be a higher priority but are constrained by a lack of resources. UNRWA's recent appointment of the Head of Staff Care is a welcome development, but additional dedicated resources for staff care are needed.

### **The Chair recommends to:**

- 19.** Update the Neutrality Framework, especially to address the challenges posed by social media and new technologies.
- 20.** Ensure awareness of the framework and compliance through on-site training programmes in all field sites for staff and personnel.
- 21.** Announce Standard Operating Procedures (SOPs) on how

to deal with potential future allegations of irregularities, misconduct or neutrality breaches by staff.

- 22.** Identify and implement additional ways to screen UNRWA staff at an early stage of the recruitment process.
- 23.** Implement regular sharing of digital staff lists with host countries and Israel, with all required information, including ID numbers and functional titles, to undertake additional screening. In response, host countries and Israel to provide UNRWA with screening results and evidence of any red flags.
- 24.** Establish a continuous vetting process, especially in the event of staff promotion.
- 25.** Strengthen UNRWA's capacities to detect public expressions of staff views on social media that are not in accordance with staff regulations.
- 26.** Improve reporting when breaches occur, including by strengthening existing whistleblower protection.
- 27.** Strengthen the disciplinary processes across the agency.
- 28.** Establish the international position of Staff Care Specialist – one in each of UNRWA's five fields of operations.

# VI. Neutrality of installations

UNRWA has approximately 1,000 installations across its five fields of operations, which include schools, health centres, warehouses, and area, field and headquarters (HQ) offices.<sup>31</sup>

In line with UNRWA's Neutrality Framework, the agency is responsible for ensuring the neutrality of these installations, including preventing misuse for political or military objectives. In return, it is important to note that by virtue of the UN Charter and the Convention on Privileges and Immunities, which grant inviolability of UN premises and personnel, host States or de facto authorities are obliged to respect the inviolability of these installations, and to afford UN premises active protection from any outside threat or disturbance. UN premises may not be entered unauthorized, and the UN must be permitted to control activities occurring on those premises unless it requests local authorities to intervene.

UNRWA has due diligence mechanisms in place to prevent neutrality breaches in its installations, and it has established protocols to respond to breaches. However, security and capacity challenges may hamper their due implementation.

UNRWA delivers on its obligations in two ways, which will be further discussed below. Firstly, it regularly inspects and assesses the compliance of premises with the principle of neutrality. Secondly, it signals any critical breaches and reports on them to host States and donors.

## Regular inspections

In line with UNRWA's SOPs, each installation is to be inspected quarterly under the responsibility of the UNRWA Protection Division.<sup>32</sup> UNRWA organizes "integrated assessments" by a team that includes installation managers, protection team leaders, humanitarian principles focal points and others, supported by the relevant field management and HQ structures.<sup>33</sup> Actual assessments may not always occur on schedule, and teams often comprise only two staff members carrying out the inspection following specified procedures.<sup>34</sup> Depending on security or staffing levels, senior area officers may also be required to conduct the integrated assessments. HQ departments, including the Executive Office, are informed quarterly about the status of

integrated assessments and efforts to follow up on identified issues.<sup>35</sup> The most frequent issues identified during assessments are a lack of UN signboards, of no-weapons signboards and of UN flags.<sup>36</sup>

The SOPs for regular inspections appear to be appropriate. International staff should conduct integrated assessments whenever possible. However, quarterly inspections are insufficient to ensure the neutrality of the premises. The responsible installation managers, as well as school principals and deputy principals, may require support to carry out this function more regularly. In addition, the daily monitoring of installations needs to be more robust.

## **Critical breaches**

Critical breaches to the neutrality of UNRWA's installations and the inviolability of its premises could include the discovery of weapons, military activity, or cavities and tunnel openings, but also of Israeli military incursions. In such events, UNRWA protests against these breaches and immediately reports them to host countries, donors and other relevant actors.

A limiting factor to the potential discovery of critical breaches is the fact that UNRWA, as a UN agency, does not have policing, military or wider investigative capacities or competencies required to detect such breaches. As a starting point, closer dialogue between UNRWA, the Israeli Defence Forces and the Palestinian Authority should remedy some of the information gaps and attend to the shared responsibilities.

**The Chair recommends to:**

- 29.** Train staff on the civilian nature of UNRWA's facilities.
- 30.** Organize community-awareness campaigns on the civilian nature of UNRWA's facilities.
- 31.** Ensure additional capacities to increase the frequency and widen the scope of installation visits to also include military misuse of UNRWA facilities.
- 32.** Strengthen the communication and collaboration with host countries and Israel on the misuse of UNRWA's facilities, including the option of UNRWA being able to request joint visits.
- 33.** Establish transparent reporting to donors on the misuse of UNRWA's facilities.

## VII. Education

UNRWA's education system is crucial to several hundreds of thousands of Palestinian children. UNRWA provides elementary and preparatory education for half a million pupils in 706 schools, with 20,000 educational staff. Gaza's education system, which represents 40 per cent of UNRWA's educational staff, has collapsed due to the ongoing conflict, with all children in Gaza now out of school.

UNRWA's practice is to use host-country curriculums and textbooks in accordance with UNESCO recommendations.<sup>37</sup> This enables Palestine refugee students to transition from UNRWA to host-country schools.<sup>38</sup> The textbooks are not produced by UNRWA but the agency's neutrality obligations apply, as the textbooks are being used in UNRWA or UNRWA-funded schools. In addition to textbooks, locally produced educational supplements are sometimes used in UNRWA schools.

UNRWA has received sustained criticisms, mainly from Israel and NGOs<sup>39</sup> over the alleged presence of hate speech, incitement to violence and anti-semitism in Palestinian Authority textbooks and educational supplements. The European Parliament has recently adopted a resolution reflecting this issue. Some donors have also raised significant concerns.<sup>40</sup>

Upon review of three major international assessments and academic studies on the issue of Palestinian Authority textbooks, two identified bias and non-compliant content but did not provide evidence of antisemitic reference.<sup>41</sup> A third, the Eckert report, identified two examples that displayed antisemitic content but noted that one had already been removed; the other has been significantly altered.<sup>42</sup> It remains unclear whether the alteration has in fact removed the antisemitic content from the remaining example.

UNRWA has consistently worked on ensuring neutrality in its education. To that end, it has developed and implemented a range of frameworks, manuals, mechanisms and procedures to align all educational materials and methods with UN values, principles and guidelines, including:

- The Framework for Quality Analysis and Implementation of Curriculum.<sup>43</sup>
- A programme and policy to integrate human rights, conflict resolution and tolerance in schools.<sup>44</sup>

- The Neutrality Review Manual,<sup>45</sup> a guiding tool for reviews of learning materials and host-country curriculum content. It centres on UN principles including three assessment areas: UN Position, Educational Appropriateness, and Adherence to UNESCO Standards.
- A task force<sup>46</sup> to review Palestinian Authority textbooks, undertaking rapid reviews<sup>47</sup> to ensure alignment with UN values in textbooks and teachers' manuals.
- The Critical Thinking Approach.<sup>48</sup> A manualized teaching approach with explanations and questions for classroom use facilitating discussions and educating students to critically engage with available knowledge.<sup>49</sup> This includes teacher training and on-site support.<sup>50</sup>
- Digital learning platforms for self-learning materials to support distance learning, which is the only authorized source of supplemental material for teachers.<sup>51</sup>

The most recent UNRWA Rapid Review of textbooks from the Palestinian Authority is the 2022/2023 review. It found that 3.85 per cent of all textbook pages contain “issues of concern to UN values, guidance, or position on the conflict,” either because they are deemed “educationally inappropriate” or because they are not in line with UNESCO standards.<sup>52</sup>

Even if marginal, these issues constitute a grave violation of neutrality. Among the various issues, recurrent ones were the use of historical maps in a non-historical context, e.g. without labelling Israel; naming Jerusalem as the capital of Palestine; naming cities in Israel as Palestinian cities; the use of the word Zionist (e.g. “Zionist occupation” referring to Israel).

Of the 30 allegations made by NGOs of neutrality breaches in educational material, eight are linked to educational material from the Palestinian Authority that is not used in UNRWA schools in Gaza. The remaining 22 allegations related to Palestinian Authority textbooks used by UNRWA are addressed in the classroom using the Critical Thinking Approach.

In addition to the procedures, frameworks and mechanisms in place, UNRWA has worked with UNESCO since 2011 to reform curricula and teaching materials, including in dialogue with national authorities. After its previous reviews and dialogue with donors, UNRWA and UNESCO, the Palestinian Authority has worked to alter the educational content that

does not meet UN values and standards. Nevertheless, the issue persists. The Chair's assessment is that UNRWA has been responsive to allegations of neutrality breaches and criticism about the textbooks and initiated a range of initiatives to ensure neutrality of its teaching material and the teaching. It has developed a range of preventive and mitigatory mechanisms and procedures, including the Critical Thinking Approach.<sup>53</sup> The Digital Learning Platform provides potential to streamline education across the five fields of operation. The platform increases the amount of UNRWA-approved educational content and material, some of which comes from authorized third parties, peer-to-peer support and professional dialogue. UNRWA could further develop the digital platform. The platform can also facilitate the roll-out of the 2022 UNRWA Media and Information Strategy,<sup>54</sup> which can better equip teachers to guide students to critically address misinformation or disinformation and promote information integrity.<sup>55</sup> Digital and social media are, on a global scale, major sources and channels of messaging that goes against UN principles.<sup>56</sup>

Despite these achievements, the presence of even a small fraction of problematic content in textbooks, supplemental material and teaching content remains a serious issue. More work needs to be undertaken between UNRWA and the Palestinian Authority to pursue the replacement of problematic content, and to avoid the promotion of discrimination and incitement to hatred and violence, and the spreading of antisemitic views that contradict UN values and UNESCO standards.

#### **The Chair recommends to:**

- 34.** Review the content of all textbooks and supplements with host countries, Israel and the Palestinian Authority.
- 35.** Ban any hate speech, incitation to violence and/or antisemitic references from host-country textbooks and locally produced supplements in UNRWA schools. In the meantime, stop using such material.
- 36.** Establish a yearly review of all textbooks and supplements used in UNRWA schools together with UNESCO, and ensure adherence to the 2023 UNESCO-adopted Recommendations

on Education for Peace, Human Rights and Sustainable Development.

- 37.** Empower more women area staff to take managerial responsibilities within the UNRWA education system.
- 38.** Establish a dedicated channel, e.g. a hotline, for UNRWA to receive alerts on problematic teaching content and to support teachers seeking advice.
- 39.** Establish randomized teaching inspections in classrooms.
- 40.** Continue the digitalization of educational content and pursue the use of digital teaching platforms to increase transparency.
- 41.** Establish training for UNRWA Principals and teachers on neutrality and other humanitarian principles, and on human rights.

## VIII. Staff unions

UNRWA staff unions have a significant role in the relations between UNRWA management and staff and the wider functioning of the agency. However, there are long-standing concerns over politicization and interlinkages with Palestinian political factions, with a direct impact on UNRWA's neutrality. Each of the five field offices and the headquarters in Amman and Gaza have their own distinctive union structure and related challenges, deeply engrained in the context in which they operate.

There are frequent tensions between UNRWA management and staff unions at all levels. In the past decades, UNRWA has experienced regular disputes regarding issues such as salaries, agency reform, and insubordination and disciplinary sanctions. These disputes frequently resulted in strikes and protests. Intimidation tactics and threats forced numerous UNRWA directors to be transferred to different positions and contexts for their own security.

In addition, there are a number of areas of concern regarding staff unions relating to neutrality:

- Staff unions have sometimes resisted management disciplinary actions, including on neutrality.
- Staff unions' elections are notably politicized. Local and national competing political forces can be seen to use staff unions to pressure the UNRWA leadership and influence decisions on service delivery or project implementation to gain influence or support from the population.
- UNRWA staff unions may have an undue influence on UNRWA's activities due to their role in salary negotiations. A periodical salary survey is conducted to ensure that UNRWA area staff salaries do not fall below local government pay rates. Historically, after the survey results are issued and pay-scale adjustments are made by the Commissioner-General, unions would strike for higher adjustments with backpay for the time while striking. In 2023, union actions in the West Bank lasted nearly 100 days and were ultimately met with management implementing the 'No Work, No Pay' principle for backpay. This further strained staff relations and prompts timely discussions about how pay scales should be decided, when and by whom.

- There is a long-standing concern about representativity given the lack of quotas for gender or professional representation in union leadership.

UN staff representative bodies<sup>57</sup> ('unions') are typically mandated to advocate for the rights, interests and welfare of UN personnel. As such, UN staff unions should be representative of the workforce and are required to uphold UN principles and values. Staff representatives have the same rights, duties, obligations and privileges as other staff members;<sup>58</sup> they are independent and should not receive any external influence or instruction.

To address the wide range of neutrality and general management challenges, an urgent modernization of the union statute and operational structures is needed. UNRWA's Statute of the Area Staff Union was issued and agreed upon in 1990, but it has not been updated since, despite many attempts.

#### **The Chair recommends to:**

- 42.** Reform the 6 November 1990 Statute of the Union of Area Staff of UNRWA to align it with UN system Staff Union Statutes and Regulations, especially as it relates to election of staff union representatives.
- 43.** Ensure the workforce representativity of staff unions, including by increasing women representation. Women comprise half of UNRWA staff, but currently almost all staff union representatives are men.
- 44.** Request, via an independent entity, dedicated neutrality vetting for every staff union representative, beginning with the most senior.
- 45.** Establish vetting procedures when staff union representatives are elected.
- 46.** Outsource all issues related to the setting of pay and pay-related benefits to an independent entity comparable to the International Civil Service Commission.
- 47.** Explore additional options for staff representation.

## **IX. Strengthened partnership with UN agencies**

UNRWA has a long history of partnerships. The founding UNGA resolution 302 (1949) already calls for cooperation with other agencies and organizations. The World Health Organization has embedded experts in UNRWA HQ for decades.<sup>59</sup> In addition, UNRWA is engaged in a plethora of cross-agency partnerships, a concept that the UNGA fully supports, as expressed at the tri-annual extensions of the mandate.<sup>60</sup> UNRWA also has many field-based partnerships with UN agencies, NGOs and community-based organizations. In the context of the current hostilities in Gaza, ad hoc and temporary partnerships have been developed, such as agreements with IOM (shelter), WFP (food distribution) and UNICEF (vaccinations). Meanwhile, UNRWA retains its central and irreplaceable role of providing a platform – and in many cases infrastructure – for these specialized activities.

UNRWA's current financial and operational constraints resulted in its operations in Gaza being severely curtailed, unable to provide sufficient humanitarian assistance to people in need. One option is for UNRWA to partner more with other UN agencies and organizations on an ad hoc and temporary basis, and in full respect of UNRWA's mandate. However, partnerships are a sensitive issue for UNRWA. Some stakeholders view any substantive involvement of other organizations in UNRWA's activities as an attempt to weaken UNRWA's mandate. As such, the Commissioner-General's partnership initiative in 2022 was abandoned due to push-back from host Governments and staff associations who perceived partnerships as the beginning of the dismantling of UNRWA.

With some funding now diverted from UNRWA to other humanitarian organizations, especially for Gaza, while not modifying the agency's mandate, there is an imperative to work with these partners to ensure that immediate humanitarian needs in Gaza are met. The Inter-Agency Standing Committee (IASC) Emergency Directors Group (EDG), comprising representatives from about 20 IASC member organizations, should be asked to develop a collective operational coordination plan for Gaza.

There is also a potential for new alliances to increase UNRWA's access to additional funding. Partnerships would also be advantageous for other agencies, who would benefit from UNRWA's regional knowledge and access while they themselves bring thematic expertise and external staffing support to counter neutrality challenges.

#### **The Chair recommends:**

- 48.** The IASC EDG to develop recommendations on how other local and international humanitarian organizations can sustain and scale up support to UNRWA's humanitarian operations in Gaza.
- 49.** UNRWA to enhance its participation in the humanitarian coordination system by ensuring staff in number and skills are dedicated to engaging in coordination architecture at the cluster level.
- 50.** UNRWA to drive an internal cultural shift that redefines its relationship to the rest of the humanitarian community and its role within the coordination architecture, particularly within the clusters.

# X. Conclusions and recommendations

Since 2017 UNRWA has established and updated a significant number of policies, mechanisms and procedures to (a) ensure compliance with the obligation to uphold the principle of neutrality, including the provision of information and training for UNRWA staff to prevent breaches; (b) ensure rapid and adequate responses to allegations or indications of breaches, including reporting and investigation systems and routines; and (c) determine and implement disciplinary sanctions on personnel found to breach the neutrality principles.

However, important areas for further strengthening were identified. Below are the main recommendations of this final report. The Chair is confident that implementing these recommendations will help UNRWA fulfil its mandate.

## Engagement with donors

The trust deficit between UNRWA and its donors has widened due to the serious allegations against its staff. Even in the absence of allegations, better communication with donors is required. Enhancing transparency and consultation with donors is imperative to rebuild trust and strengthen partnership.

1. Increase the *frequency and strengthen the transparency of UNRWA's communication with donors* on its financial situation and on neutrality allegations and breaches:
  - a. Plan *regular updates* by UNRWA on its budget and the structure of this budget, including in the Commissioner-General's direct interactions with Governments.
  - b. *Establish 'Integrity Briefings' for donors* interested in supporting UNRWA on integrity and related issues, with meetings or briefings held at UN headquarters in New York or Geneva.

## Governance

UNRWA does not have an Executive Board, and the Advisory Commission only advises the organization. UNRWA would benefit from stronger governance structures in support of its senior leadership's efforts. The international community should also support UNRWA in addressing neutrality issues through these governance structures.

2. Request the Advisory Commission to fulfil its role by effectively advising and assisting UNRWA on fulfilling its mandate, including by:
  - a. Convening at the UN in New York at Permanent Representative level once a year.
  - b. Setting neutrality as a standing agenda item at its twice-yearly meeting.
  - c. Creating an Advisory Commission Working Group on neutrality and integrity issues, and inviting host countries and Israel to present their concerns.
3. Explore additional governance arrangements to assist in providing strategic direction to the organization and improving external communication.

## Management and internal oversight

UNRWA's management and internal oversight reform efforts are commendable and should be further expanded. Progress has been made, especially in strengthening UNRWA's DIOS and the Ethics Office, but further enhancements are necessary. Commitments made by UNRWA senior management to a number of donors, including in the Action Plan on UNRWA initiatives shared in March 2024, have to be duly implemented.

4. Strengthen internal oversight capacity, especially DIOS and the Ethics Office, e.g. through the secondment of staff from OIOS or UN agencies to DIOS and the Ethics Office.
5. Expand the reach and presence of DIOS and the Ethics Office in UNRWA fields of operations.

6. Facilitate interactions between DIOS and external audit structures, such as the UN Secretariat's OIOS. In case of grave allegations, the Commissioner-General to request the UN Secretary-General to refer the investigation to OIOS.
7. Implement periodic evaluations of DIOS, as per previous recommendation by ACIO.
8. Pending an evaluation, create a centralized Neutrality Investigations Unit with international staff, that reports directly to the DIOS to oversee field office-led investigations.
9. Roll out the updated Code of Ethics and associated in-person training to all staff.
10. Strengthen compliance with the Outside and Political Activities Policy.
11. Address neutrality as a strategic risk in the existing Enterprise Risk Management system, and assign responsibility for UNRWA neutrality to the Deputy Commissioner-General Operational Support.

## Management

12. Reinforce the internationalization of UNRWA's senior managerial area staff positions.
13. Require managers, from the most senior levels down to senior area staff, to assume more accountability for staff neutrality, e.g. by mandating regular engagements with their teams on neutrality.
14. Increase the number of women in senior managerial positions among area staff.
15. Develop and implement tailored training programmes on management and oversight for senior area staff who are front-line managers and supervisors.

## Projects

Political influence on decisions related to UNRWA projects poses a significant risk. Ensuring the neutrality of these decisions and processes is crucial.

16. Establish a framework with interested donors on project management and monitoring to ensure transparency and traceability of projects.
17. Explore the possibility of third-party monitoring for sensitive projects.
18. Determine safeguards to ensure that projects are in line with UNRWA's overall objectives.

## Neutrality of staff

UNRWA faces challenges due to increased politicization among its staff, affecting its neutrality. Strategies for prevention, monitoring of compliance in accordance with international and area staff rules and regulations and relevant standards of conduct, as well as an appropriate response to potential breaches are crucial.

19. Update the Neutrality Framework, especially to address the challenges posed by social media and new technologies.
20. Ensure awareness of the framework and compliance through on-site training programmes in all field sites for staff and personnel.
21. Announce Standard Operating Procedures (SOPs) on how to deal with potential future allegations of irregularities, misconduct or neutrality breaches by staff.
22. Identify and implement additional ways to screen UNRWA staff at an early stage of the recruitment process.
23. Implement regular sharing of digital staff lists with host countries and Israel, with all required information, including ID numbers and functional titles, to undertake additional

screening. In response, host countries and Israel to provide UNRWA with screening results and evidence of any red flags.

24. Establish a continuous vetting process, especially in the event of staff promotion.
25. Strengthen UNRWA's capacity to detect public expressions of staff views on social media that are not in accordance with staff regulations.
26. Improve reporting when breaches occur, including by strengthening existing whistleblower protection.
27. Strengthen the disciplinary processes across the agency.
28. Establish the international position of Staff Care Specialist – one in each of the five fields of operations.

## **Neutrality of installations**

UNRWA's facilities have sometimes been misused for political or military gains, undermining its neutrality. If the prevention of and response to the political misuse of UNRWA installations have been efficient, the agency has had more difficulty appropriately addressing the use of its installations for military purposes. Preventive measures, enhanced monitoring and transparent reporting are necessary to address this issue effectively.

29. Train staff on the civilian nature of UNRWA's facilities.
30. Organize community-awareness campaigns on the civilian nature of UNRWA's facilities.
31. Ensure additional capacities to increase the frequency and widen the scope of installation visits to also include military misuse of UNRWA facilities.
32. Strengthen the communication and collaboration with host countries and Israel on the misuse of UNRWA's facilities, including the option of UNRWA being able to request joint visits.

33. Establish transparent *reporting to donors* on the misuse of UNRWA's facilities.

### **Neutrality of education**

UNRWA's education system is crucial to several hundreds of thousands of Palestinian children. However, it has been reported for many years that schools may have been utilized to spread political views, including antisemitic content, violating neutrality principles as well as not respecting UNESCO standards and UN values.

UNRWA has made significant progress in the past few years to mitigate the risks attached to the promotion of hate and the incitation of violence in textbooks and in the classroom. UNRWA has implemented measures to confront this issue, including by instituting a Critical Thinking Approach and digitalizing its curriculum.

Any textbooks spreading antisemitic views, promoting discrimination and incitement to hatred and violence contradict UN values and UNESCO standards. Even if marginal, this constitutes a grave violation of neutrality. In Gaza and the West Bank such textbooks are those of the Palestinian Authority, but this does not relieve UNRWA of its responsibilities when these textbooks are used in UNRWA or UNRWA-funded schools. UNRWA needs to implement a zero-tolerance policy on this issue.

34. *Review the content of all textbooks and supplements* with host countries, Israel and the Palestinian Authority.
35. *Ban any hate speech, incitation to violence* and/or *antisemitic references* from host-country textbooks and locally produced supplements in UNRWA schools. In the meantime, stop using such material.
36. Establish a *yearly review of all textbooks and supplements* used in UNRWA schools together with UNESCO, and ensure adherence to the 2023 UNESCO-adopted Recommendations on Education for Peace, Human Rights and Sustainable Development.

37. Empower more women area staff to take managerial responsibilities within the UNRWA education system.
38. Establish a dedicated channel, e.g. a hotline, for UNRWA to receive alerts on problematic teaching content and to support teachers seeking advice.
39. Establish randomized teaching inspections in classrooms.
40. Continue the digitalization of educational content and pursue the use of digital teaching platforms to increase transparency.
41. Establish training for UNRWA Principals and teachers on neutrality and other humanitarian principles, and on human rights.

## Staff unions

Over the years, political factions have used UNRWA's staff unions to pressure the agency's leadership and influence decisions on service delivery or project implementation. This is not the role of staff unions. The politicization of staff unions is considered one of the most sensitive neutrality issues and needs to be addressed with the full support of the Advisory Commission.

42. Reform the 6 November 1990 Statute of the Union of Area Staff of UNRWA to align it with UN system Staff Union Statutes and Regulations, especially as it relates to the election of staff union representatives.
43. Ensure the workforce representativity of staff unions, including by increasing women representation.  
Women comprise half of UNRWA staff, but currently almost all staff union representatives are men.
44. Request, via an independent entity, dedicated neutrality vetting for every staff union representative, beginning with the most senior.
45. Establish vetting procedures when staff union representatives are elected.

46. Outsource all issues related to the setting of pay and pay-related benefits to an independent entity comparable to the International Civil Service Commission.
47. Explore additional options for staff representation.

### **Enhanced cooperation with UN agencies**

Considering the ongoing crisis in Gaza, and in full respect of UNRWA's mandate, some temporary measures could be considered to help UNRWA ensure the delivery of life-saving assistance to Palestinians at this critical time, such as:

48. The IASC EDG to develop recommendations on how other local and international humanitarian organizations can sustain and scale up support to UNRWA's humanitarian operations in Gaza.
49. UNRWA to enhance its participation in the humanitarian coordination system by ensuring staff in number and skills are dedicated to engaging in coordination architecture at the cluster level.
50. UNRWA to drive an internal cultural shift that redefines its relationship to the rest of the humanitarian community and its role within the coordination architecture, particularly within the clusters.

# XI. Endnotes

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- 4 Ibid.
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Review of the internal pre-tribunal-stage appeal mechanisms (United Nations publication, 2020).
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# XII. Annexes

## Annex A: Terms of Reference

### Group to Conduct an Independent Review of mechanisms and procedures to ensure adherence by UNRWA to the humanitarian principle of neutrality

#### General

1. The principle of neutrality is one of the four ‘humanitarian principles’ adopted by the General Assembly, alongside humanity, impartiality and independence (General Assembly Resolutions 46/182 and 58/114). Neutrality entails that humanitarians do not take sides in hostilities and do not engage in controversies of a political, racial, religious or ideological nature. It is important for fostering trust, security and humanitarian access to populations in need.
2. Various non-governmental and governmental organizations, as well as State entities have been making serious allegations related to the neutrality of Agency personnel, installations and operations. These allegations have included, most recently, allegations that UNRWA (“Agency”) personnel have participated or otherwise been involved in the 7 October 2023 attacks in Israel.
3. In light of the very serious reputational, financial, political and security implications of the allegations against the Agency’s neutrality, it is crucial to have a full and independent review to assess whether the Agency is doing everything within its power to ensure neutrality and to respond to allegations of serious breaches when they are made, taking into account the Agency’s mandate, its capacities and resources and the unique and frequently difficult operational, political and security context in which it has to work, particularly in Gaza.  
The Secretary-General, in consultation with the Commissioner General, has accordingly decided to establish an independent group to carry out that review.

## **Composition of the Review Group**

4. (a) Ms. Catherine Colonna – Chair  
(b) Raoul Wallenberg Institute (Sweden)  
(c) Chr. Michelsen Institute (Norway)  
(d) Danish Institute for Human Rights (Denmark)  
(e) Secretary from OCHA
5. The members of the Review Group are independent and equal with respect to the substance of the review. The Chair has additional organizational, coordination, and representative functions.

## **Identified Tasks**

6. The detailed tasks of the Review Group will be as follows:
  - a. To identify the mechanisms and procedures that the Agency currently has in place to ensure neutrality and to respond to allegations or information indicating that the principle may have been breached;
  - b. To ascertain how those mechanisms and procedures have, or have not, been implemented in practice and whether every practicable effort has been made to apply them to their full potential, taking into account the particular operational, political and security environment in which the Agency works;
  - c. To assess the adequacy of those mechanisms and procedures and whether they are fit for purpose, including in relation to the management of risks and taking into account the particular operational, political and security context in which the Agency works;
  - d. To make recommendations for the improvement and strengthening, if necessary, of the mechanisms and procedures that are currently in place or for the creation of new and alternative mechanisms and procedures that would be better fit for purpose, taking into account the

particular operational, political and security context in which the Agency works;

- e. To produce a report including its findings and recommendations.
7. While the Review Group may take into account and consider specific allegations that the principle of neutrality has been breached, it will not itself investigate any such allegations nor make any findings of fact in respect of them.
8. The Review Group will liaise with the Office of Internal Oversight Services (OIOS), if and as necessary, in order to avoid any prejudice to OIOS's ongoing or future investigations.

### **Time Frame**

9. The Review Group will complete its assessments and submit its report in accordance with the following timeframe:
  - a. 14 February 2024 – the Review Group will start its work.
  - b. 14 to 16 February 2024 – briefings to the Review Group.
  - c. 20 March 2024 – the Review Group will submit an interim report to the Secretary-General, through his Chef de Cabinet.
  - d. 20 April 2024 – the Review Group will submit its final report to the Secretary-General, through his Chef de Cabinet.

### **Administrative and logistic support**

10. The Agency will arrange and provide the necessary administrative and logistic support to the Review Group, including accommodation, subsistence, transport and security. The Deputy Commissioner-General (Programmes and Partnerships) will be in charge of making the necessary arrangements.

### **Classification**

11. The Review group's interim and final reports will be marked as UNCLASSIFIED.

- 12.** The Review Group will ensure that all drafts of its interim and final reports and all communications concerning those reports are marked as UN STRICTLY CONFIDENTIAL.
- 13.** The Review Group will ensure the protection of all information provided to it by outside sources under an expectation of confidentiality.

### **Additional instructions**

- 14.** The Review Group will be prepared to provide briefings to the Secretary-General and to the Commissioner-General following the submission of its interim and final reports.
- 15.** The Review Group will be prepared to provide a briefing to the Agency's donors following the delivery of its interim and final reports.
- 16.** Meetings sought by the Review Group with relevant officials of the Government of Israel and of the Palestinian Authority will be arranged through UNSCO.
- 17.** Meetings sought by the Review Group with members of the Agency's Advisory Commission will be arranged through the Deputy Commissioner General (Programmes and Partnerships).
- 18.** The Review Group will transfer all materials generated or received in the course of its work to the Agency's archives once it has submitted its report.

Dated: 14 February 2024 | António Guterres, Secretary-General | Place: New York

## Annex B: Overview of documented and alleged violations of neutrality and inviolability

### Neutrality violations registered by UNRWA DIOS since 2017<sup>61</sup> According to the DIOS Annual Report 2022

#### Breakdown of all investigated cases, including neutrality, (2017–2022)

Category of Cases	2017	2018	2019	2020	2021	2022
Sexual Exploitation and Abuse (SEA)	9	4	10	5	6	5
Sexual Harassment (SH)	3	6	7	3	4	2
Corporal Punishment	87	62	86	23	23	88
Breach of Neutrality	55	10	9	7	27	18
Assault (not CP)	13	20	22	9	9	10
Retaliation	4	2	2	2	3	2
Harassment/Discrimination/Abuse of Power	52	18	52	43	43	28
Recruitment Irregularity	13	8	16	10	5	7
Fraud, Theft & Loss to the Agency	55	43	65	51	49	34
Other Cases	76	98	74	64	91	84
<b>Total</b>	<b>367</b>	<b>271</b>	<b>282</b>	<b>172</b>	<b>210</b>	<b>225</b>

#### Overview of 2022 investigated cases, including breaches of neutrality

Table 15. Snapshot of DIOS ID Cases in 2022

HQ	Total	Sexual Exploitation and Abuse	Sexual Harassment	Corporal Punishment	Breach of Neutrality	Assault (not CP)	Retaliation	Harassment/Discrimination/Abuse of Power	Recruitment Irregularity	Fraud, Theft & Loss to the Agency	Other Cases
Open Cases	20	4	2	0	2	1	2	2	0	3	9
Opened Cases	21	5	1	0	4	0	2	2	0	8	3
Closed	23	7	3	0	3	1	2	3	0	2	9
Currently Open	18	2	0	0	3	0	2	1	0	9	3

Age of Currently Open Cases (Average Days)	353	Age of Closed Cases (Average Days)	328	Percentage of Cases Closed within 6 Months	17%
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## **Breakdown of neutrality cases by field office (2022):**

- Gaza: zero cases submitted, no open cases.
- West Bank: three cases opened, two cases closed, one case open.
- Lebanon: four cases opened, six cases closed, 13 cases open.
- Jordan: six cases opened, six cases closed, three cases open.
- Syria: one case opened, zero cases closed, seven cases open.

## **Violations of the inviolability of the United Nations**

UNRWA Annual Reports to the General Assembly (2020, 2021, 2022) list breaches of the inviolability of the UN. These reports document that violations, to a large degree, concern the inviolability of UNRWA installations. Here we summarize reported incidents in the West Bank and Gaza in 2020, 2021 and 2022. UNRWA protested all these instances of breaches of its privileges and immunities with the relevant authorities. Reported cases from Jordan, Syria and Lebanon are not included here for the sake of space.

### **West Bank**

- In 2020, in the West Bank, including East Jerusalem, one example was reported of Israeli Security Forces (ISF) entering UNRWA premises, and eight occasions of (for example) tear gas canisters, stun grenades and live ammunition landing on or damaging UNRWA property. In 2020, no incursions were reported into UNRWA premises by Palestinian militant groups. UNRWA premises and services were disrupted at least 28 times by forced closures or protests.<sup>62</sup>
- In 2021, at least 11 occasions of tear gas canisters, stun grenades, plastic coated metal bullets or live ammunition used by the ISF landed in UNRWA premises, including schools. This year, there were three reported incidents of Palestinian militant groups' incursions into

UNRWA premises. On 21 occasions, UNRWA premises and services were disrupted due to forced closures or protests.<sup>63</sup>

- In 2022, UNRWA reported 129 incidents, with 53 cases involving ammunition landing on or striking an UNRWA installation, affecting schools. Most incidents happened during exchanges of fire between Palestinian militant groups and the ISF, but the source of ammunition is not conclusive. In 48 instances, UNRWA had to close its installations due to ISF operations or strikes by local communities. UNRWA installations had to be evacuated seven times to prevent exposing children to tear gas during ISF operations. There was one reported instance of unauthorized Palestinian armed forces actors entering UNRWA premises and four incidents involving the unauthorized entrance of ISF into UNRWA premises.<sup>64</sup>

## **Gaza**

- In 2020, ammunition fired by the ISF landed inside or damaged UNRWA premises twice. One incursion was reported into UNRWA premises by the de facto authorities in Gaza. Moreover, shrapnel landed inside UNRWA installations as a result of Hamas or other armed groups. On one occasion, a hand grenade and a military vest were identified inside an UNRWA school. Bullets from unknown sources hit UNRWA installations twice.<sup>65</sup>
- In 2021, four incursions by Hamas into UNRWA installations were reported, and two pieces of unexploded ordnance were found in two UNRWA installations. In January 2021, bullets from an unknown source hit an UNRWA school, and three schools and a health centre were affected by an accidental explosion of live ammunition in an adjacent house in northern Gaza. Fifty-seven other incidents were reported, related to the hostilities between Israel and Hamas in May 2021, mainly related to Israeli air strikes (injuries, damages). On two of these occasions, UNRWA discovered two tunnels (the tunnels were filled). There was one instance of threats from Hamas directed at senior UNRWA management.<sup>66</sup>

- In 2022, there were eight incursions into UNRWA installations by Hamas, and a large cavity was discovered under an UNRWA school in November 2022 (the cavity was filled). In August 2022, an UNRWA school suffered minor damage due to Israeli fire, and agency personnel was injured by shrapnel from a nearby Israeli air strike while guarding an UNRWA school. A rocket fired by a Palestinian militant group damaged an UNRWA school, but no injuries were reported.<sup>67</sup>



united nations relief and works agency  
for palestine refugees in the near east  
وكالة الأمم المتحدة لإغاثة وتشغيل  
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28 August 2024  
LO/Protest-44

Dear Director Simhayoff,

UNRWA writes to express its serious concerns regarding multiple incidents that occurred during an Israeli Security Forces (ISF) large-scale operation in Jenin between 21 and 23 May 2024, during which 12 people, including four minors, were killed. The operation lasted for 43 hours and led to incidents that are incompatible with the privileges and immunities of UNRWA installations, and which constitute a flagrant violation of international law. UNRWA calls on the ISF to refrain from any actions that disregard the neutrality, safety, security of its premises and to uphold the inviolability of United Nations (UN) installations at all times.

UNRWA is particularly troubled by the unauthorized entry and significant damage inflicted upon the UNRWA Health Centre at the Jenin Refugee Camp. This critical facility, serving the Palestinian refugee population in Jenin, was active and fully operational prior to the ISF's military operation of 21 May 2024. UNRWA was only able to reestablish control of the Health Centre on 23 May, after the withdrawal of the ISF from the Camp.

The ISF entered the Health Centre at around 14:30 hrs on 21 May 2024 and fully departed at approximately 16:00 hrs on the following day, 22 May. During this period, the Health Centre sustained severe damage including significant structural damage and the destruction of equipment, medical and administrative supplies. The ISF's presence also led to the cutting of electricity, destruction of doors and windows, and the scattering of sensitive documents. Furthermore, signage, including donor plaques and a "No Weapons" sign, were shot at or forcefully removed, and the premises were subject to graffiti. In the aftermath of the military operation, UNRWA found multiple spent ammunition cartridges inside the Health Centre, with significant numbers of bullet holes observed on the external façade of the building, as well as on the walls and windows.

Upon receiving reports of the ISF entering its installations in Jenin Refugee Camp, UNRWA raised objections to the Israeli Civil Administration (ICA) through its liaison structures. UNRWA acknowledges that the Jenin District Coordination and Liaison Office intervened with the ISF brigade on the ground on 21 May to facilitate a humanitarian pause, allowing for the safe evacuation of the students and staff from the schools through the same structure.

It is noteworthy that the Health Centre had already sustained significant damage during a previous ISF operation in July 2023, necessitating its closure for several months for full reconstruction. It was only recently reopened in February 2024 thanks to funding provided by UNRWA donors. The recent attack has not only disrupted UNRWA operations and hindered access to essential health care services for the most vulnerable but also undermines Member State contributions in support of these services and raises serious concerns about the lack of proper safeguards to protect UN facilities. Due to the heavy damage suffered, the Health Centre will be unable to resume full operations until repairs are completed, undermining access to health services for residents of the Camp.

UNRWA further wishes to note that, in addition to the Health Centre, the UNRWA Camp and Community Services Office was also briefly entered by ISF on 21 May 2024, though no significant damage was reported. However, on 22 May 2024, the premises of UNRWA's Relief and Social Services A Container compound was forcibly entered and occupied for approximately seven hours, resulting in serious misuse and damage to the installation, breach of the confidentiality and integrity of UNRWA archives, and misuse of medical aid supplies by the ISF.

These ISF actions contravene the privileges and immunities afforded to UNRWA premises under the UN Charter and the 1946 Convention on the Privileges and Immunities of the United Nations (the "General Convention"). Specifically, they violate Israel's obligations under Article II, Section 3 of the General Convention, to which Israel acceded without reservation, which states that "the premises of the United Nations shall be inviolable" and "the property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation, and any other form of interference, whether by executive, administrative, judicial, or legislative action." In addition, Article II, Section 4 provides that "the archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located." The Agency also recalls the Exchange of Letters Constituting a Provisional Agreement Between UNRWA and Israel Concerning Assistance to Palestine Refugees dated 14 June 1967 (the "Comey Michelmores Agreement"), whereby Israel agreed to facilitate the task of UNRWA to the best of its ability and to "ensure the protection and security of the personnel, installations and property of UNRWA".

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مكتب إقليم الضفة الغربية

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Additionally, the use of UN installations for military purposes is a grave concern for UNRWA and undermines the neutral and humanitarian character of these facilities, contravening established international norms under international humanitarian law.

UNRWA emphasizes that its installations are clearly marked with the UN flag, signage, and lettering, and their coordinates are regularly communicated to the relevant Israeli authorities. The ISF's actions occurred despite these clear markings and consistent sharing of information by UNRWA with the Israeli authorities through the established mechanisms.

UNRWA therefore urgently requests the assistance of the Ministry of Foreign Affairs to ensure Israel abides by its international legal obligations as set forth above, and strongly urges the Government of Israel to immediately halt any actions that undermine the neutrality and sanctity of UNRWA's premises. UNRWA further requests the assistance of the Ministry to ensure the Government urgently takes the necessary actions to prevent similar situations from recurring in the future. While we appreciate the intervention of the Jenin District Coordination and Liaison Office to facilitate a humanitarian pause for school evacuations, such reactive measures alone are insufficient.

UNRWA further requests the assistance of the Ministry of Foreign Affairs to ensure that the competent Israeli authorities conduct prompt investigations into all aspects of the foregoing incidents and provide UNRWA with the findings and outcomes, including measures taken to ensure accountability for any ISF personnel found to have engaged in misconduct.

Finally, we wish to stress that breaches of UNRWA inviolability have far-reaching consequences, hindering our ability to fulfill our mandate and potentially endangering the lives of those we serve.

UNRWA is prepared to discuss this matter further and looks forward to your prompt response and decisive action to address these critical concerns.

Sincerely,

DocuSigned by:  
  
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Adam Bouloukos

Director of UNRWA Affairs  
West Bank

Director Alon Simhayoff  
Director, Department for UN Political Affairs  
Division for the UN and International Organizations  
Ministry of Foreign Affairs  
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11 September 2024  
LO/Protest-47

Dear Director Simhayoff,

UNRWA writes to request the intervention of the Ministry of Foreign Affairs to resolve the outstanding claims for refunds of Value Added Tax (VAT) submitted by UNRWA to the Israel Tax Authority. UNRWA is grateful for the crucial assistance provided by the Ministry of Foreign Affairs in 2023 to receive previous VAT refunds, and requests the Ministry's continued assistance. If it would be beneficial, UNRWA is prepared to attend a meeting with the Ministry and the Israel Tax Authority to discuss the issue further.

Pursuant to established procedures, UNRWA has continued to submit claims for VAT refunds to the Israel Tax Authority on locally purchased goods and services through 2023 and 2024, with the most recent claim for June. UNRWA also re-submitted its outstanding claims for the years 2018 to 2020 in 2023. Despite these submitted claims, and follow up at a working level, the Agency received only partial reimbursement for claims in 2018 and 2019 and has not received any reimbursements for 2020, 2023 or 2024 to date. As of this letter, approximately USD 2,997,000.00 (two million nine hundred and ninety-seven thousand United States Dollars) remains outstanding in VAT reimbursements.

UNRWA recalls Article II, Sections 7(a) and 8, of the Convention on the Privileges and Immunities of the United Nations dated 13 February 1946, to which Israel has acceded without reservations, which states that the "United Nations, its assets, income and other property shall be exempt from all direct taxes [...]" and that Member States "will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax" paid on important purchases for official use.

UNRWA also refers to the Exchange of Letters Constituting a Provisional Agreement Between UNRWA and Israel Concerning Assistance to Palestine Refugees dated 14 June 1967, whereby the Government of Israel agreed to provide UNRWA with "[e]xemptions from customs duties, taxes and charges on importation of supplies, goods, and equipment".

UNRWA urgently requests your assistance to intervene with the Israel Tax Authority to facilitate the VAT refunds that remain outstanding and owed to UNRWA in accordance with Israel's obligations under international law. Additionally, considering the situation outlined, we would appreciate your Ministry's efforts to establish effective channels of communication or facilitate a meeting with the Israel Tax Authority, to avoid any potential recurrence of delayed VAT refunds in the future.

UNRWA expresses its gratitude once again for the assistance of your Ministry in resolving previous VAT refunds and looks forward to your prompt response and further discussion of this matter.

Sincerely,

Signed by:

*Friedrich, Roland*

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Roland Friedrich

Acting, Director of UNRWA Affairs  
West Bank

Mr. Alon Simhayoff  
Director, Department for UN Political Affairs  
Division for the UN and International Organizations  
Ministry of Foreign Affairs  
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مكتب مدير عمليات الأونروا  
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CC: Ms. Rivka Olamy-Moshe  
Deputy Director, Department for UN Political Affairs  
Ministry of Foreign Affairs  
Email: [rivka.olamy-moshe@mfa.gov.il](mailto:rivka.olamy-moshe@mfa.gov.il)



THE SECRETARY-GENERAL

4 October 2024

Excellency,

I am writing to you regarding certain draft legislation that is currently before the Knesset which, if adopted and implemented, could prevent the United Nations Relief and Works Agency for Palestine refugees in the Near East (UNRWA) from continuing its essential work in the Occupied Palestinian Territory, including East Jerusalem, as mandated by the General Assembly.

It is of utmost concern that legislation is being considered in a Member State of the United Nations which would be diametrically opposed to one of the fundamental Principles of the Charter, set out in Article 2, paragraph 5, that Member States “shall give the United Nations every assistance in any action it takes in accordance with the present Charter”.

In 1949, the international community considered it necessary to establish UNRWA, pending the implementation of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948. Thus, the Assembly, on 8 December 1949, adopted resolution 302 (IV) entitled “Assistance to Palestine refugees” in which it established UNRWA. In the absence of a just resolution of the question of Palestine refugees, the General Assembly has since continued to emphasize the need for UNRWA to provide assistance to Palestine refugees, including in the Occupied Palestinian Territory, and the necessity of its unimpeded operation and has renewed the Agency’s mandate on this basis. These needs will remain, and the status of Palestine refugees will remain unresolved, irrespective of any attempts, legislative or otherwise, to unilaterally obstruct the work of the United Nations in providing such assistance.

The draft legislation that is under consideration before the Knesset, if adopted, could prevent UNRWA from continuing its operations in the Occupied Palestinian Territory and consequently deprive Palestine refugees in the Gaza Strip and the West Bank of essential assistance and protection that UNRWA has been providing to Palestine refugees since 1949. Under normal conditions, UNRWA operates almost 400 schools, over 65 primary health clinics in the Occupied Palestinian Territory, providing education for over 350,000 children and over 5 million health consultations annually. UNRWA also provides vital poverty relief and social services. Under the current crisis in Gaza, UNRWA is the backbone of the United Nations Humanitarian relief operations, providing a lifeline, shelter or other support for the large majority of the nearly 2.3 million population of Gaza, all affected by the conflict.

His Excellency  
Mr. Benjamin Netanyahu  
Prime Minister of the State of Israel  
Jerusalem

In view of the gravity of this matter, it would be necessary for me to bring this matter to the attention of the General Assembly, should the draft legislation that is currently before the Knesset be adopted.

It would be a deeply alarming development in the history of the United Nations for a Member State to adopt legislation demanding that there be no contact between the authorities of the Member States and a United Nations entity, in this case UNRWA. UNRWA cannot be severed from the United Nations, but is an integral part thereof, as a subsidiary organ established by the General Assembly in accordance with Article 22 of the Charter of the United Nations.

It is, furthermore, of most serious concern that the legislature of a Member State is contemplating legislation that would explicitly seek to deprive a United Nations agency of the privileges and immunities that are accorded to it under binding international agreements to which that Member State is a party. Under international law, Israel has assumed an obligation to give effect to the terms of the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946, to which Israel has been a party since 21 September 1949. The privileges and immunities set out therein will continue to apply to UNRWA and its personnel, irrespective of any national legislation may be adopted to the contrary.

I wish to express my hope that it will be possible for your Government to take the necessary steps to avoid the adoption of this legislation.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'António Guterres', written in a cursive style. The signature is positioned above a horizontal line that extends to the right and then curves downwards.

António Guterres



THE SECRETARY-GENERAL

28 October 2024

Excellency,

I refer to my letter dated 4 October 2024 regarding draft legislation concerning the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) which were being considered by the Knesset of Israel. I regret to learn that on 28 October 2024, the Knesset has approved the draft legislation and that the Law for the Cessation of UNRWA Activities (2024) and the Law for the Cessation of UNRWA Activities in the State of Israel (2024) have now been enacted into law.

These Laws, if implemented, could prevent UNRWA from continuing its essential work in the Occupied Palestinian Territory, comprising of the West Bank, including East Jerusalem, and Gaza, which would have devastating consequences for Palestine refugees, considering that there is currently no realistic alternative to UNRWA which could adequately provide the services and assistance required.

I appeal to you and to the Government of Israel to prevent such devastating consequences and to allow UNRWA to continue carrying out its activities in the Occupied Palestinian Territory, including East Jerusalem, in accordance with its obligations under international law.

I note, with particular concern, that the Law for the Cessation of UNRWA Activities (2024), *inter alia*, provides that “[t]he invitation to UNRWA based on the exchange of letters between Israel and UNRWA from 14 June 1967 shall expire on 7 October 2024” and that “[n]o state authority, including bodies and individuals performing public duties according to law, shall have any contact with UNRWA or any of its representatives” (UNRWA’s unofficial translation from the original Hebrew). I am also concerned about the reference to criminal proceedings against UNRWA employees, which may, in fact, relate to their activities for or on behalf of UNRWA.

His Excellency  
Mr. Benjamin Netanyahu  
Prime Minister of the State of Israel  
Jerusalem

I further note that the Law for the Cessation of UNRWA Activities in the State of Israel (2024), which, *inter alia*, prohibits any activity by UNRWA “within the sovereign territory of the State of Israel” (UNRWA’s unofficial translation from the original Hebrew), is intended to also be applicable in East Jerusalem. Pursuant to the relevant resolutions, decisions and opinions of the competent principal organs of the United Nations, the United Nations considers the West Bank, including East Jerusalem, and Gaza to be part of the Occupied Palestinian Territory, and that Israel is not entitled to sovereignty over, or to exercise sovereign powers, in any part of the Occupied Palestinian Territory on account of its occupation.

Following the establishment of UNRWA by the General Assembly in its resolution 302 (IV) of 18 December 1949, UNRWA has been providing assistance to Palestine refugees in the West Bank, including East Jerusalem, and Gaza since 1950. Under normal conditions, UNRWA operates almost 400 schools, over 65 primary health clinics and one hospital in the Occupied Palestinian Territory, which enable the provision of education to over 350,000 children and over 5 million health consultations annually. More specifically, in East Jerusalem, UNRWA schools provide education to 2000 students and its health clinics serve 40,000 registered patients. UNRWA also has been providing vital poverty relief and social services, including social safety net, emergency assistance and food vouchers, benefiting over 1.2 million people.

In Gaza specifically, UNRWA has been the main provider of basic and essential services, providing education to 300,000 children in 288 schools and two training centres, healthcare services to 900,000 patients and 3.5 million patient consultations annually in 22 primary health clinics, and emergency assistance to 1.1 million people. Under the current crisis in Gaza, UNRWA is the backbone of the United Nations humanitarian relief operations, providing a lifeline, shelter or other support for the large majority of the population of nearly 2.3 million in Gaza who have all been affected by the ongoing conflict, including food assistance to 1.9 million people, polio vaccinations for over 200,000 children, health care to 15,000 people representing more than 60% of total primary health care provision in Gaza, and shelters for hundreds of thousands of internally displaced persons inside and in the vicinity of over 100 schools.

I recall that, under international humanitarian law, if the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

UNRWA is the principal means by which essential assistance is supplied to Palestine refugees in the Occupied Palestinian Territory. There is currently no realistic alternative to UNRWA which could adequately provide the services and assistance required, whether it be other United Nations entities, other international organizations, or any other entity. The cessation of or restrictions on its activities would leave Palestine refugees without the essential assistance that they require.

Therefore, Israel, as the Occupying Power, continues to be required to ensure that the needs of the population are met. If Israel is not in a position to meet such needs, it has an obligation to allow and facilitate the activities of the United Nations, including UNRWA, and other humanitarian agencies, until the needs of Palestine refugees in the Occupied Palestinian Territory are met. In order to fulfil this obligation, Israel's state authorities, including bodies and individuals performing public duties according to law, are required to have contact with UNRWA or any of its representatives.

Moreover, as a Member of the United Nations, Israel continues to be required, pursuant to Article 2, paragraph 5, of the Charter of the United Nations, to give UNRWA every assistance in any action it takes in accordance with the relevant decisions of competent principal organs adopted pursuant to the provisions of the Charter, including General Assembly resolution 302 (IV) and subsequent General Assembly resolutions renewing UNRWA's mandate.

Furthermore, unless and until subsequent developments under international law require a change in the current arrangements, UNRWA will proceed until then on the basis that Israel continues to be bound by its obligations under the Exchange of Letters constituting a Provisional Agreement between UNRWA and Israel concerning Assistance to Palestine Refugees concluded on 14 June 1967 (United Nations, *Treaty Series*, vol. 620, p. 183), including the obligations to ensure the protection and security of the personnel, installations and property of UNRWA; to permit the free movement of UNRWA vehicles into, within and out of Israel and the areas in question; to permit the international staff of the Agency to move in, out and within Israel and the areas in question; and to permit the local staff of the Agency to move within the areas in question under arrangements made or to be made within the military authorities.

Israel also continues to be required to give effect to the terms of the Convention on the Privileges and Immunities of the United Nations, to which Israel has been a party since 21 February 1949 (the "General Convention") and which is applicable to UNRWA, as an integral part of the United Nations, including the immunity of UNRWA, its property and assets wherever located and by whomsoever held from every form of legal process; the inviolability of UNRWA premises; the immunity of UNRWA property and assets from search requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action; the exemption from direct taxes and from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by UNRWA for its official use.

With respect to United Nations officials and experts on mission acting on behalf of UNRWA, Israel is obliged to recognize and give effect to the privileges and immunities accorded to them under the General Convention, including their immunity from legal process with respect to their official functions and their right to be granted facilities for speedy travel.

In this connection, I wish to recall that the General Convention, under Article VIII, Section 30, provides that all differences arising out of the interpretation or application of the General Convention shall be referred to the International Court of Justice. In this regard, a situation may exist in which a difference has arisen between the United Nations and the State of Israel regarding, among other things, the interpretation or application of the Convention on the Privileges and Immunities of the United Nations, to which Israel is a party. I will continue to update the General Assembly on the matter so that the Assembly can consider appropriate action.

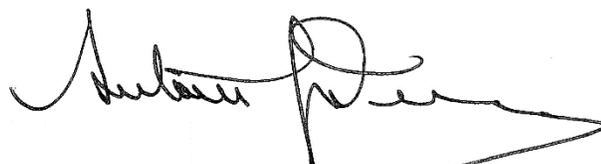
I also recall that Israel continues to be required, in its relation to UNRWA, to comply with its other obligations under international humanitarian law, particularly those under the law of occupation, including the prohibition on the confiscation of private property in occupied territory, the prohibition on the destruction by the Occupying Power of real or personal property, the obligation to facilitate the proper working of all institutions devoted to care and education of children in occupied territory, and the obligation of ensuring and maintaining the medical and hospital establishments and services in occupied territory.

Finally, I recall that Israel may not invoke the provisions of its internal law, including the Laws mentioned above, as justification for its failure to perform its obligations under international law.

I also wish to seize the occasion of this letter to reiterate my concerns regarding Israel's actions impacting other United Nations activities, including those of United Nations peacekeeping operations, elsewhere in the region, including in Lebanon. In this regard, I wish to renew my calls for Israel's compliance with its other obligations under international law, particularly those under international humanitarian law and those concerning the privileges and immunities of the United Nations, and ensure that United Nations personnel, including those of United Nations peacekeeping operations, are respected and protected and that the inviolability of the premises of the United Nations is respected.

As I have mentioned in my letter, dated 4 October 2024, in view of the gravity of this matter, I have brought it to the attention of the General Assembly and asked for its guidance and support, and I will keep the Assembly closely informed as the situation develops.

Please accept, Excellency, the assurances of my highest consideration.



António Guterres



November 3, 2024

H.E. Mr. Philemon Yang  
The President of the General Assembly  
The United Nations

Excellency,

Further to legislation passed by the Knesset of Israel on 28 October 2024, I write this letter to notify the United Nations that the State of Israel withdraws its request issued to UNRWA, as referred to in the "EXCHANGES OF NOTES BETWEEN ISRAEL AND UNRWA CONSTITUTING AN AGREEMENT CONCERNING THE OPERATIONS OF THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST" dated 14 June 1967. The legislation will enter into effect following a three-month period. During this time, and thereafter, Israel will continue to work with international partners, including other United Nations agencies, to ensure the facilitation of humanitarian aid to civilians in Gaza in a way that does not undermine Israel's security. Israel expects the United Nations to contribute to and cooperate in this effort.

Please accept the assurances of my highest consideration.

Sincerely,

  
Jacob Blitshtein

cc:

H.E. Antonio Guterres  
Secretary General of the United Nations  
New York, NY

# United Nations Nations Unies

HEADQUARTERS • SIEGE NEW YORK, NY 10017  
TEL.: 1 (212) 963.1234 • FAX: 1 (212) 963.4879

REFERENCE: 2024-OLC-000675

The Office of Legal Affairs of the United Nations presents its compliments to the Ministry of Foreign Affairs of Israel and has the honour to refer to the decision by the Jerusalem Customs Office communicated to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) on 6 November 2024 (attached).

The Office of Legal Affairs notes the Customs Office's decision that "[f]ollowing the legislation dated 10/28/2024 regarding the 'termination of UNRWA activities in the territory of the State of Israel', and after the Ministry of Foreign Affairs of the State of Israel gave an official notice to the [United Nations] about the termination of the agreement for cooperation between the State of Israel and UNRWA, requests for exemption from import taxes of [t]he organization will not be approved starting the above-mentioned date". The Office of Legal Affairs understands that this decision was in response to UNRWA's request for approval from the competent authorities of Israel, submitted according to established procedures of the importation without tax of a shipment containing computers and laptops with their accessories for UNRWA's offices, clinics and schools.

In this regard, the Office of Legal Affairs wishes to reiterate the applicable legal framework.

Article 105, paragraph 1, of the Charter of the United Nations ("the UN Charter") provides that "[t]he Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes". Paragraph 2 of the same Article provides that "...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". Article 105, paragraph 3, further provides that "[t]he General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose". Further to that paragraph, the General Assembly of the United Nations adopted the Convention on the Privileges and Immunities of the United Nations ("General Convention") on 13 February 1946, to which Israel acceded on 21 September 1949, without reservations. The United Nations and its officials, pursuant to these provisions of the Charter and the General Convention, enjoy the privileges and immunities stipulated therein.

As far as the applicability of Article 105 of the UN Charter and the General Convention to UNRWA is concerned, the Office of Legal Affairs first recalls that the United Nations is an international organization established by the Charter. Pursuant to Article 22 of the UN Charter, the General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions. Pursuant to this authority, the General Assembly established UNRWA through its resolution 302 (IV) of 8 December 1949. Accordingly, UNRWA is a subsidiary organ of the General Assembly and an integral part of the United Nations.

The General Assembly most recently renewed UNRWA's mandate to 30 June 2026 in resolution 77/123 of 12 December 2022. Further to that resolution, and to the request from the Palestine Liberation Organization (PLO) to UNRWA to continue to provide its assistance to the Palestinian people in the Gaza Strip and the Jericho Area and in the remainder of the West Bank set out in an exchange of letters concluded between PLO and UNRWA in 1994, and the agreement between UNRWA and the Palestinian Authority regarding the location of UNRWA Headquarters in the West Bank and Gaza Strip area concluded in 1996, UNRWA continues to carry out its mandated activities in the Occupied Palestinian Territory, including East Jerusalem.

As a subsidiary organ and an integral part of the United Nations, UNRWA enjoys the privileges and immunities that are accorded to the United Nations and its officials under Article 105 of the UN Charter and the General Convention.

Pursuant to Article II, Section 7 (b), of the General Convention, “[t]he United Nations, its assets, income and other property shall be [...] exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country”.

The decision of the Jerusalem Customs Office not to grant UNRWA exemption from import taxes on its import of computers and laptops, being articles for UNRWA's official use, is thus in direct violation of Article II, Section 7 (b), of the General Convention.

It is also in direct violation of paragraph (f)(i) of the 1967 Exchange of Letters constituting a Provisional Agreement between UNRWA and Israel concerning Assistance to Palestine Refugees that was concluded on 14 June 1967 (United Nations, *Treaty Series*, vol. 620, p. 183), which provides that UNRWA is entitled to “[e]xemptions from customs duties, taxes and charges on importation of supplies, goods and equipment” and which continues to apply.

The Office of Legal Affairs therefore requests the Government of Israel to rescind the decision of the Jerusalem Customs Office and grant UNRWA exemption from import taxes with respect to official items imported by it to carry out its mandated activities, in particular the importation of computers and laptops.

In view of the explanation for its actions that has been given by the Jerusalem Customs Office, the Office of Legal Affairs seeks the assurances of the Ministry of Foreign Affairs that Israel will comply with its obligations under the General Convention with respect to UNRWA by according to it in full the privileges and immunities, exemptions and facilities for which it provides.

The Office of Legal Affairs further respectfully requests the Government of Israel to take all necessary steps to facilitate UNRWA's mandated activities in the Occupied Palestinian Territory, including East Jerusalem.

The Office of Legal Affairs of the United Nations avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Israel the assurances of its highest consideration.

18 November 2024





THE SECRETARY-GENERAL

19 November 2024

Excellency,

I refer to the letter dated 3 November 2024, from Mr. Jacob Blitshtein, Director General of the Ministry of Foreign Affairs of the State of Israel, addressed to the President of the United Nations General Assembly, on which I was copied given my role in matters concerning the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). In this letter, the Director General stated that “[f]urther to legislation passed by the Knesset of Israel on 28 October 2024, I write this letter to notify the United Nations that the State of Israel withdraws its request issued to UNRWA, as referred to in the “EXCHANGES OF NOTES BETWEEN ISRAEL AND UNRWA CONSTITUTING AN AGREEMENT CONCERNING THE OPERATIONS OF THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST” dated 14 June 1967”.

I regret that the Government has taken steps to implement the “Law to Cease UNRWA Operations”, which the Knesset of Israel adopted on 28 October 2024. In my letters of 4 October and 28 October 2024 to Prime Minister Benjamin Netanyahu, I had underscored the serious implications that the implementation of the above-mentioned Law and the “Law to Cease UNRWA Operations in the Territory of the State of Israel” adopted on the same day, could have for the ability of UNRWA to continue its essential work in the Occupied Palestinian Territory and the devastating consequences that this would have for Palestine refugees.

UNRWA was established by the General Assembly in 1949 as the only United Nations entity with the specific mandate to provide direct relief and works programmes for Palestine refugees. Since it commenced operations in 1950 – many years prior to the request from the Government of Israel in 1967 and the conclusion of the above-mentioned Exchange of Letters in 1967 – UNRWA has been the principal means by which essential assistance is supplied to Palestine refugees in what is now the Occupied Palestinian Territory. In 1994, pursuant to an Exchange of Letters between the Palestine Liberation Organization (PLO) and UNRWA, the PLO requested UNRWA to continue its assistance to the Palestinian people in the Gaza Strip and the Jericho Area and in the remainder of the West Bank. In 1996, UNRWA and the Palestinian Authority then concluded an agreement regarding the location of UNRWA Headquarters in the West Bank and Gaza Strip area.

His Excellency  
Mr. Gideon Saar  
Minister for Foreign Affairs of the State  
of Israel  
Jerusalem

There is no viable alternative to UNRWA which could adequately provide the services and assistance required to meet the needs of Palestine refugees in the West Bank, including East Jerusalem and Gaza. Moreover, in the context of the current crisis in Gaza, UNRWA is indispensable as the backbone of the United Nations operations to facilitate the delivery of humanitarian aid to the population.

I reiterate my urgent appeal to the Government of Israel to prevent devastating consequences for Palestine refugees as a result of the implementation of the Laws and to continue to facilitate the mandated activities of UNRWA in the Occupied Palestinian Territory, including East Jerusalem. I further reiterate my urgent appeal to the Government of Israel to comply with its obligations under international law, as detailed in my letter of 28 October 2024.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'António Guterres', with a long horizontal line extending to the right from the end of the signature.

António Guterres

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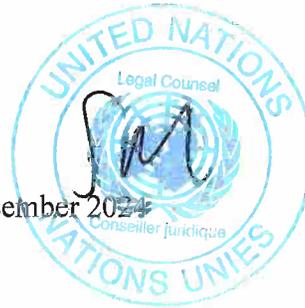
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REFERENCE: 2024-OLC-000675

The Office of Legal Affairs of the United Nations presents its compliments to the Permanent Mission of Israel to the United Nations and has the honour to request the Permanent Mission to transmit the enclosed Note Verbale from the Office of Legal Affairs to the Ministry of Foreign Affairs of Israel concerning the decision by the competent authorities of Israel communicated to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) on 20 November 2024 regarding import taxes.

The Office of Legal Affairs of the United Nations avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Israel the assurances of its highest consideration.

4 December 2024



# United Nations Nations Unies

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TEL.: 1 (212) 963.1234 • FAX: 1 (212) 963.4879

REFERENCE: 2024-OLC-000675

The Office of Legal Affairs of the United Nations presents its compliments to the Ministry of Foreign Affairs of Israel and has the honour to bring to the Ministry's attention a matter impacting the operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

The Office of Legal Affairs notes that on 20 November 2024, UNRWA's request for approval from the competent authorities of Israel, submitted according to established procedures of the importation without tax of a shipment containing pharmaceuticals to be distributed at UNRWA's clinics in the West Bank was rejected (attached).

In this connection, the Office of Legal Affairs respectfully refers to its Note Verbale dated 18 November 2024 setting out the legal framework applicable to UNRWA as a subsidiary organ and an integral part of the United Nations, pursuant to the Charter of the United Nations ("the UN Charter"), and the Convention on the Privileges and Immunities of the United Nations ("General Convention") of 13 February 1946, to which Israel is a State party.

The Office of Legal Affairs wishes to recall that pursuant to Article II, Section 7 (b), of the General Convention, "[t]he United Nations, its assets, income and other property shall be [...] exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country". The decision of the competent authorities of Israel not to grant UNRWA exemption from import taxes on its import of pharmaceuticals, being articles for UNRWA's official use, is thus in direct violation of Article II, Section 7 (b), of the General Convention.

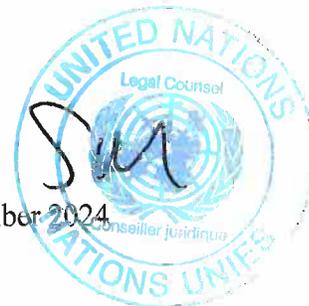
As previously mentioned in the Note Verbale of 18 November 2024, UNRWA continues to carry out its mandated activities, in the Occupied Palestinian Territory, including East Jerusalem. The ability of UNRWA to continue its operations, in fulfilment of its mandate, is reliant upon the steps taken by the competent authorities of the State of Israel to accord such privileges, immunities and facilities to UNRWA, in accordance with its obligations under the General Convention.

The Office of Legal Affairs therefore requests the Government of Israel to rescind the decision of the competent authorities of Israel and grant UNRWA exemption from import taxes with respect to official items imported by it to carry out its mandated activities, in particular the importation of pharmaceuticals.

Further, the Office of Legal Affairs reiterates its request for assurances of the Ministry of Foreign Affairs that Israel will comply with its obligations under the General Convention with respect to UNRWA by according to it in full the privileges and immunities, exemptions and facilities provided for under the General Convention and taking the necessary measures to give effect to those obligations. The Office of Legal Affairs also reiterates its request to the Government of Israel to take all necessary steps to facilitate UNRWA's mandated activities in the Occupied Palestinian Territory, including East Jerusalem.

The Office of Legal Affairs of the United Nations avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Israel the assurances of its highest consideration.

4 December 2024



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TELEPHONE NO: (212)-963-1234; FAX NO. (212)-963-3155

REFERENCE:

The Office of Legal Affairs presents its compliments to the Ministry of Foreign Affairs of Israel and has the honour to refer to the legislation concerning the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) which the Knesset of Israel adopted on 28 October 2024. The Office of Legal Affairs has the further honour to refer to the letters from the Secretary-General dated 4 October and 28 October 2024 to the Prime Minister of the State of Israel, the letter from the Secretary-General to the Minister for Foreign Affairs of the State of Israel dated 19 November 2024, the letter from the Secretary-General dated 28 October 2024 to the President of the General Assembly (A/79/558), and the identical letters from the Secretary-General dated 9 December 2024 to the President of the General Assembly and the President of the Security Council (A/79/684-S/2024/892) regarding this matter. The Office of Legal Affairs also refers to the letters from the Permanent Representative of Israel to the United Nations to the President of the General Assembly and the President of the Security Council (S/2024/940) dated 18 December 2024.

The Office of Legal Affairs notes that the Knesset of Israel adopted two pieces of legislation, namely the Law to Cease UNRWA Operations and the Law to Cease UNRWA Operations in the Territory of the State of Israel (collectively referred to as the "Laws").

With regard to the Law to Cease UNRWA Operations (Israel's unofficial translation from the Hebrew), the Office of Legal Affairs wishes to note, in particular, the following provisions:

*"Expiration of the Exchange of Letters Between Israel and UNRWA"*

1.(A) The invitation to UNRWA, based on an exchange of letters between Israel and UNRWA from 6 Sivan 5727 (14 June 1967), will expire on 5 Tishrei 5785 (7 October 2024).

(B) The Minister of Foreign Affairs shall notify the United Nations of the expiration under Subsection (A) within seven days of the passage of this law by the Knesset.

*No Contact With UNRWA*

2. A government authority, including other bodies and individuals performing public duties according to law, shall not have any contact with UNRWA or anyone acting on its behalf.

*Retention of Laws*

3. Nothing in the provisions of this law shall preclude any criminal proceedings against UNRWA employees, including such proceedings related to the events of 7 October 2023 or the Swords of Iron War, or any other criminal proceeding under the Counter-Terrorism Law 5776—2016, or the exercise of powers against them within the framework of such proceedings.

*Entry Into Force*

4. This law shall come into force three months from the date of its publication. However, Section 1 shall come into force on 5 Tishrei 5785 (7 October 2024) or on the date of the publication of this law, whichever is later.”

With regard to the Law to Cease UNRWA Operations in the Territory of the State of Israel (Israel’s unofficial translation from the Hebrew), the Office of Legal Affairs wishes to note, in particular, the following provisions:

*“Purpose*

1. The purpose of this law is to prevent any UNRWA operations within the territory of the State of Israel.

*Prohibition of Operations Within the Territory of the State of Israel*

2. UNRWA (United Nations Relief and Works Agency) shall not operate any representative office, provide any services, or carry out any activities, directly or indirectly, within the sovereign territory of the State of Israel.

*Entry Into Force*

3. This law shall come into force three months from the date of its publication.”

Further to paragraph 1 of the Law to Cease UNRWA Operations, Mr. Jacob Blitshtein, Director General of the Ministry of Foreign Affairs of the State of Israel addressed a letter dated 3 November 2024 to the President of the General Assembly, of which a copy was sent to the Secretary-General, to notify the United Nations that the State of Israel “withdraws its request issued to UNRWA, as referred to in” the Exchange of Letters constituting a Provisional Agreement between UNRWA and Israel concerning Assistance to Palestine Refugees (“the Exchange of Letters”) of 14 June 1967 (United Nations, *Treaty Series*, vol. 620, p.183).

In the letters from the Permanent Representative of Israel to the United Nations to the President of the General Assembly and the President of the Security Council dated 18 December 2024, Israel stated that, “[p]ursuant to the legislation passed by the Knesset, Israel has withdrawn, by formal notification issued on 3 November 2024, its request issued to UNRWA as referred to in the ‘Exchange of Letters constituting a Provisional Agreement between the United Nations Relief and Works Agency for Palestine Refugees in the Near East and Israel concerning Assistance to Palestine Refugees’, dated 14 June 1967. This provisional agreement has thus been terminated.” The letter further stated that, “UNRWA is, of course, expected to respect the laws and regulations of a host country and is afforded ample time to make the necessary arrangements in the period until the Israeli legislation in question will enter into effect.” Moreover, in the letter, the Permanent Representative of Israel also stated that “the legislation enacted by the Knesset does not in any way undermine Israel’s steadfast commitment to international law” and that, “[i]t is also without prejudice to the applicability of the 1946 Convention on the Privileges and Immunities of the United Nations”.

In this connection, the Office of Legal Affairs wishes to recall the legal framework applicable to UNRWA in the Occupied Palestinian Territory, including East Jerusalem.

Article 105, paragraph 1, of the Charter of the United Nations (“the Charter”) provides that “[t]he Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes”. Paragraph 2 of the same Article provides that “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”. Article 105, paragraph 3, further provides that “[t]he General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose”. Further to that paragraph, the General Assembly of the United Nations adopted the Convention on the Privileges and Immunities of the United Nations (“the General Convention”) on

13 February 1946, to which Israel acceded on 21 September 1949 without reservations. The United Nations and its officials, pursuant to these provisions of the Charter and the General Convention, enjoy the privileges and immunities stipulated therein.

As far as the applicability of Article 105 of the Charter and the General Convention to UNRWA is concerned, the Office of Legal Affairs first recalls that the United Nations is an international organization established by the Charter. Pursuant to Article 22 of the Charter, the General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions. Pursuant to this authority, the General Assembly established UNRWA through its resolution 302 (IV) of 8 December 1949. Accordingly, UNRWA is a subsidiary organ of the General Assembly and an integral part of the United Nations.

The General Assembly most recently renewed UNRWA's mandate to 30 June 2026 in resolution 77/123 of 12 December 2022.

As a subsidiary organ and an integral part of the United Nations, UNRWA enjoys the privileges and immunities that are accorded to the United Nations and its officials under Article 105 of the Charter and the General Convention.

Israel, as a State party to the General Convention, is bound by the obligations under the General Convention and must take steps to implement those obligations with respect to UNRWA. Section 34 of the General Convention, in particular, states that, "[i]t is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention".

Moreover, as a Member of the United Nations, Israel continues to be required, pursuant to Article 2, paragraph 5, of the Charter, to give UNRWA every assistance in any action it takes in accordance with the Charter, including by fulfilling its obligations under the General Convention and the Exchange of Letters in its relations with UNRWA.

With respect to the Law to Cease UNRWA Operations, the Office of Legal Affairs notes that the application of paragraph 2 of that Law on no contact with UNRWA would appear to significantly impede UNRWA's mandated activities in the Occupied Palestinian Territory, including East Jerusalem. There are certain privileges, immunities and facilities accorded to UNRWA and its personnel which require steps to be taken by the State of Israel, including the granting of visas, exemption from taxes, exemption from import and export restrictions and entry and exit through checkpoints controlled by Israel, immunity from legal process, inviolability of its archives and its premises, and communication facilities. In this regard, it would appear that UNRWA will not be in a position to fully enjoy the privileges, immunities and facilities set out in the General Convention without

contact or interaction between UNRWA and its personnel, on the one hand, and the competent authorities of Israel and persons acting on their behalf, on the other. In this regard, any action or inaction on the part of Israel leading to the absence of contact between UNRWA and the Government, in situations where such contacts are necessary for Israel to fulfil its obligations to ensure that UNRWA and its personnel enjoy the privileges, immunities and facilities, would not be consistent with the relevant provisions of the General Convention.

With regard to paragraph 3 of the Law to Cease UNRWA Operations, the Office of Legal Affairs notes that any criminal proceedings against UNRWA employees with respect to their official acts, would be inconsistent with Article V, Section 18 (a), and Article VI, Section 22 (b) of the General Convention which grant United Nations officials and experts on mission performing missions for UNRWA, respectively, immunity from legal process of every kind in respect of words spoken or written and acts done by them in the course of their functions for UNRWA, where such immunity has not been waived by the Secretary-General.

As far as the Law to Cease UNRWA Operations in the Territory of the State of Israel is concerned, the Office of Legal Affairs understands that its provisions, inter alia, would prevent UNRWA operations in East Jerusalem, which Israel considers to be part of the territory of the State of Israel. As determined most recently by the International Court of Justice, this is not its status under international law. In this regard, the Office of Legal Affairs recalls that, in its advisory opinion of 19 July 2024, the International Court of Justice concluded that Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation (see *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, 19 July 2024*, p.71, para. 254). In this respect, it is noted that the implementation in East Jerusalem of the Law to Cease UNRWA Operations in the Territory of the State of Israel would not be consistent with the international legal status of East Jerusalem. In addition, the implementation of this Law in East Jerusalem would appear to have implications on a number of privileges and immunities of UNRWA that arise by virtue of its continuing presence in the Occupied Palestinian Territory, including East Jerusalem, including the immunity of UNRWA from every form of legal process, the inviolability of UNRWA premises and archives, UNRWA's right to maintain its assets, the immunity of UNRWA personnel from legal process, and the free movement of UNRWA personnel in the Occupied Palestinian Territory.

Notwithstanding the adoption of the Laws, UNRWA continues to carry out its mandated activities in the Occupied Palestinian Territory, including East Jerusalem, to the extent that it is able to do so. It is noted in this regard that the Palestine Liberation Organization (PLO) requested UNRWA to continue to provide its assistance to the Palestinian people in the Gaza Strip and the Jericho Area and in the remainder of the West Bank by an exchange of letters concluded between the

PLO and UNRWA in 1994 as well as by the agreement between UNRWA and the Palestinian Authority regarding the location of UNRWA Headquarters in the West Bank and Gaza Strip area concluded in 1996. UNRWA also continues to be mandated by the General Assembly to carry out its activities pursuant to General Assembly resolution 302 (IV) of 8 December 1949, as renewed up to 30 June 2026 by General Assembly resolution 77/123 of 12 December 2022.

In this connection, it is recalled that, on 11 December 2024, the General Assembly adopted, at its tenth emergency special session, resolution ES-10/25, in which it, inter alia, “affirm[ed] its full support for the mandate of the United Nations Relief and Works Agency for Palestine refugees in the Near East in all of its fields of operation, namely Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory” and “deplor[ed] the legislation adopted by the Israeli Knesset on 28 October 2024”. The General Assembly further “demand[ed] that Israel respect the mandate of the Agency and its privileges and immunities and act forthwith to enable its operations to proceed without impediment or restriction in the Gaza Strip and the West Bank, including East Jerusalem, including, inter alia, to allow and facilitate full, rapid, safe and unhindered humanitarian assistance in all its forms into and throughout the entire Gaza Strip in accordance with the mandate of the Agency and to alleviate the humanitarian catastrophe”, and “[c]all[ed] upon Israel to abide by...the Convention on the Privileges and Immunities of the United Nations in all aspects”.

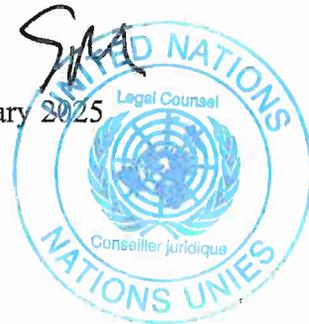
In the light of the above, the Office of Legal Affairs expects that Israel will fulfil its obligations under the General Convention with respect to UNRWA operations in the Occupied Palestinian Territory, including East Jerusalem, and that the privileges and immunities of UNRWA under the General Convention will not be curtailed or otherwise affected, including after the entry into force of the Laws. In this regard, in view of the fact that the entry into force of the relevant provisions in the Laws is imminent, the Office of Legal Affairs requests assurance from the Government at its earliest convenience and, in any event, within a reasonable time before the entry into force of those provisions, that Israel will fulfil such obligations as long as UNRWA operates in the Occupied Palestinian Territory, including East Jerusalem, and that it will act to enable UNRWA operations, including after the entry into force of the Laws, as mandated by the General Assembly, to proceed without impediment or restriction in the Gaza Strip and the West Bank, including East Jerusalem.

Finally, as the Secretary-General recently mentioned in the identical letters to the President of the General Assembly and the President of the Security Council dated 9 December 2024, “[t]he cessation of or restrictions on UNRWA activities in the Occupied Palestinian Territory would have devastating consequences for Palestine refugees, considering that there is currently no realistic alternative to UNRWA which could adequately provide the services and assistance required.” Any modification or termination of UNRWA activities in the Occupied Palestinian

Territory, including East Jerusalem, would require prior consultations and negotiations between UNRWA and Israel and guidance from the General Assembly, and may not be effected unilaterally (*Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, I.C.J. Reports 1980*, p.73; see, inter alia, paras. 44, 49 and 51). Israel continues to be obligated to accord to UNRWA all the privileges, immunities and facilities set out in the General Convention and as confirmed in the Exchange of Letters as long as UNRWA operates in the Occupied Palestinian Territory, including East Jerusalem, and action on the part of Israel is necessary to facilitate such operations. In this regard, the Office of Legal Affairs recalls the statement included in the letter from the Permanent Representative of Israel to the United Nations dated 18 December 2024 that “UNRWA...is afforded ample time to make the necessary arrangements in the period until the Israeli legislation in question will enter into effect”, and observes that this unilateral assertion does not satisfy Israel’s international obligations with respect to any actions that may be taken to modify or terminate UNRWA operations in any part of the Occupied Palestinian Territory, including East Jerusalem.

The Office of Legal Affairs avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Israel the assurances of its highest consideration.

8 January 2025





H.E. Mr. Antonio Guterres  
Secretary General  
United Nations  
New York

24 January, 2025

Excellency,

I am writing to you pursuant to the legislation recently passed by the Israeli Knesset concerning the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and communications between the Government of Israel and Israeli officials and the United Nations on the matter of UNRWA. Specifically, I refer to the letter of the Director General of the Ministry of Foreign Affairs to the President of the General Assembly dated 3 November 2024, withdrawing Israel's request issued to UNRWA as outlined in the “Exchange of Letters constituting a Provisional Agreement between the United Nations Relief and Works Agency for Palestine Refugees in the Near East and Israel concerning Assistance to Palestine Refugees”, dated 14 June 1967; thus, terminating this provisional agreement. I also refer to my letters to the President of the General Assembly and the President of the Security Council in this regard, dated 18 December 2024 (all letters enclosed herein).

At the outset, and as detailed in the enclosed correspondence, I would like to recall that the said developments came as a direct response to the acute national security risks posed by the widespread infiltration of UNRWA's ranks by Hamas and other terrorist organizations, and the Agency's persistent refusal to address the very grave and material concerns raised by Israel, and to remedy this intolerable situation. Months of good-faith engagement with the United Nations, and years of related grievances conveyed to UNRWA, have been met with blatant disregard, compromising its fundamental obligation to impartiality and neutrality beyond repair.



In accordance with applicable Israeli law, including the said legislation, and following the termination of the aforementioned Provisional Agreement, UNRWA is required to cease its operations in Jerusalem, and evacuate all premises in which it operates in the city, no later than 30 January 2025.

Without prejudice to the legislation, and as previously communicated to UNRWA by the Israeli competent authorities, I would like to refer to two properties in particular, in which UNRWA is currently operating in Jerusalem – the property located in the Maalot Dafna neighborhood, where UNRWA has been operating its Jerusalem headquarters; and the property in the neighborhood of Kfar Aqueb.

Clear and explicit notices were sent to UNRWA from the Israel Land Authority, with regard to both said properties, on 14 January, 2024 and on 28 May, 2024, indicating that UNRWA's use of the properties is done without proper authorization, and demanding the evacuation of the properties, the demolition of all immovables constructed without acquiring the proper authorizations, and payment for past use. These notices were bluntly disregarded by UNRWA, while shielding behind its immunity.

In Maalot Dafna, UNRWA constructed buildings and has been operating a hazardous gas station, without acquiring the proper authorization. Thus, creating safety hazards to its staff and local communities.

Furthermore, in Kfar Aqueb, UNRWA has walled off a large plot of land, of which a significant portion is left unused, without the landowner's consent. Thus, denying the Municipality of Jerusalem from establishing a much-needed educational compound for the Arab population residing in the neighborhood, including children with special needs. Despite numerous attempts by the Government of Israel in the past, UNRWA has refused all avenues to reach an agreed solution for the benefit of the local residents, once again in *mala fide* abuse of its immunity.



This conduct reflects a clear abuse of UNRWA's immunities and disregard for local laws and regulations, contrary to its obligations under Article 21 of the 1946 Convention on the Privileges and Immunities of the United Nations.

Given all of the above, Israel expects that UNRWA take all the necessary steps to cease its operations in Jerusalem and evacuate all premises in which it operates in the city within the stated timeframe.

Excellency, please accept my highest assurances, that this demand is fully aligned with Israel's steadfast commitment to its obligations under international law, and its readiness to cooperate with the UN and any of its agencies that have not been infiltrated by terror organizations. International law does not require any State to assist and cooperate with an entity that undermines its national security, not least one that has proven itself to be anything but neutral and impartial.

It is in the best interest of the United Nations to put an end to the unprecedented infiltration and abuse of a UN organ by terrorist organizations, so that its credibility is maintained and that impartiality, accountability, and the safety of all concerned can be guaranteed.

Sincerely,

A handwritten signature in blue ink, appearing to be 'דני דנון' (Danny Danon).

**Ambassador Danny Danon**  
**Permanent Representative of Israel to the United Nations**

CC: H.E. Mr. Philemon Yang  
President of the General Assembly  
United Nations  
New York



THE SECRETARY-GENERAL

27 January 2025

Excellency,

I am in receipt of your letter dated 24 January 2025, which states that “UNRWA is required to cease its operations in Jerusalem, and evacuate all premises in which it operates in the city, no later than 30 January 2025.”

I regret this decision and request that the Government of Israel retract it, considering the legal framework applicable to the activities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and the Agency’s irreplaceable nature, which I have detailed in my letters to the Prime Minister of Israel of 4 October 2024 and 28 October 2024, in my letter to the President of the General Assembly of 28 October 2024, and in my identical letters to the Presidents of the Security Council and the General Assembly of 9 December 2024 and 8 January 2025.

In this connection, I wish to clarify and reiterate that any actions that prevent UNRWA from continuing its activities would severely undermine the provision of an appropriate humanitarian response in the Occupied Palestinian Territory. As the General Assembly has affirmed in its resolution ES-10/25 of 11 December 2024, there is no organization that can replace or substitute the Agency’s capacity and mandate to provide the services and assistance required. This remains the case after the deal to secure a ceasefire and hostage release in Gaza, which I have welcomed and commended. The United Nations, including UNRWA, are supporting the implementation of this agreement through increased deliveries of humanitarian assistance to countless Palestinians who continue to suffer. It is imperative that this ceasefire provides every opportunity to deliver aid across Gaza so that we can support a major increase in urgent life-saving humanitarian support and eventual reconstruction. The purported implementation of the legislation adopted by the Knesset of Israel on 28 October 2024 would frustrate these objectives.

His Excellency  
Mr. Danny Ben Yosef Danon  
Permanent Representative of Israel  
to the United Nations  
New York

I reiterate my call upon Israel to respect the mandate granted to UNRWA by the General Assembly in its resolution 302 (IV) and subsequent relevant resolutions, and to honour its obligation under the Charter of the United Nations to provide every assistance to UNRWA in the fulfilment of its essential mandate. In this connection, I recall that Israel, as a Member of the United Nations, continues to be required, pursuant to Article 2, paragraph 5, of the Charter, to give UNRWA every assistance in any action it takes in accordance with the Charter. Pursuant to Article 2, paragraph 2, of the Charter, all Member States, “in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter”.

In this connection, I recall that, in its resolution ES-10/25, the General Assembly inter alia, “affirm[ed] its full support for the mandate of the United Nations Relief and Works Agency for Palestine refugees in the Near East in all of its fields of operation, namely Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory” and “deplor[ed] the legislation adopted by the Israeli Knesset on 28 October 2024”.

Turning to the specific demands made in the letter of 24 January 2025, it must be recalled that, as a matter of international law, Israel is not entitled to exercise sovereign powers in any part of the Occupied Palestinian Territory, including East Jerusalem. In its advisory opinion of 19 July 2024, the International Court of Justice concluded that “the State of Israel’s continued presence in the Occupied Palestinian Territory is unlawful” and that “Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation” (see *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, 19 July 2024*, p.71, paras. 254 and 285). In its resolution ES-10/24 of 18 September 2024, the General Assembly welcomed the Court’s advisory opinion, demanded that Israel brings to an end without delay its unlawful presence in the Occupied Palestinian Territory, which the General Assembly affirmed constitutes a wrongful act of a continuing character entailing Israel’s international responsibility, within 12 months, and demanded that Israel comply without delay with all of its legal obligations under international law.

The implementation of the referenced legislation and the requirements imposed on that basis in the Occupied Palestinian Territory, including East Jerusalem, are therefore inconsistent with Israel’s obligations under international law.

In addition to this fundamental issue regarding the implementation of the above-mentioned legislation, I would like to emphasize that a unilateral demand to cease operations and evacuate all premises within less than a week of formal notice being provided is manifestly unreasonable and inconsistent with Israel's international obligations. As recalled in the Note Verbale dated 8 January 2025 addressed by the United Nations Office of Legal Affairs to the Ministry of Foreign Affairs of Israel, any modification or termination of UNRWA activities in the Occupied Palestinian Territory, including East Jerusalem, would require prior consultations and negotiations between the United Nations and Israel and guidance from the General Assembly, and may not be effected unilaterally (*Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, I.C.J. Reports 1980, p.73; see, inter alia, paras. 44, 49 and 51*). No such consultations have taken place so far. The Secretariat sent a number of communications to Israel, which provided ample opportunities for the Secretariat and Israel to enter into consultations on matters arising from the adoption of the two pieces of legislation by the Knesset of Israel on 28 October 2024. However, no response to those communications was received.

The referred consultations and negotiations on matters arising from the relevant Israeli laws should take place without delay. The United Nations stands ready to enter into such consultations and negotiations.

I would also like to emphasize that, until such time as such consultations and negotiations have taken place, and for as long as UNRWA operates in accordance with its General Assembly mandate in the Occupied Palestinian Territory, including East Jerusalem, Israel continues to be under an obligation to accord to UNRWA all the privileges, immunities and facilities, including those set out in the Convention on the Privileges and Immunities of the United Nations (the "General Convention"), and action on the part of Israel is necessary to facilitate, rather than hinder, UNRWA's operations in the Occupied Palestinian Territory. These privileges and immunities include the immunity of UNRWA from every form of legal process, the inviolability of UNRWA premises and archives, UNRWA's right to maintain its assets, the immunity of UNRWA personnel from legal process, and the free movement of UNRWA personnel in the Occupied Palestinian Territory.

In particular, this includes the critical obligations of Israel to respect the absolute inviolability of all United Nations premises, including those of UNRWA, at all times. I also wish to emphasize that the properties referenced in your letter remain the property and assets of the United Nations and that Israel has an obligation to ensure that their inviolability is protected and that they are immune from any form of interference.

In this connection, the General Assembly, in its resolution ES-10/25, “demand[ed] that Israel respect the mandate of the Agency and its privileges and immunities and act forthwith to enable its operations to proceed without impediment or restriction in the Gaza Strip and the West Bank, including East Jerusalem, including, inter alia, to allow and facilitate full, rapid, safe and unhindered humanitarian assistance in all its forms into and throughout the entire Gaza Strip in accordance with the mandate of the Agency and to alleviate the humanitarian catastrophe”, and “[c]all[ed] upon Israel to abide by...the Convention on the Privileges and Immunities of the United Nations in all aspects”.

In closing, I wish to note that your letter also refers to the ongoing serious allegations made by your Government in relation to the neutrality of UNRWA, as well as possible criminal conduct of its staff members. I take these allegations very seriously, and I have taken decisive action in relation thereto, as discussed in my identical letters to the President of the General Assembly and the President of the Security Council dated 8 January 2025.

I am addressing a copy of this letter to H.E. Mr. Philemon Yang, the President of the General Assembly, to whom you had also addressed a copy of your letter. I will also update the General Assembly and the Security Council, including on this very concerning matter.

Please accept, Excellency, the assurances of my highest consideration.

*with my warmest personal regards*



António Guterres

# United Nations Nations Unies

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REFERENCE: 2024-OLC-000675

The Office of Legal Affairs of the United Nations presents its compliments to the Permanent Mission of Israel to the United Nations and has the honour to request the Permanent Mission to transmit the enclosed Note Verbale dated 18 February 2025 from the Office of Legal Affairs to the Ministry of Foreign Affairs of Israel.

The Office of Legal Affairs of the United Nations avails itself of this opportunity to renew to the Permanent Mission of Israel to the United Nations the assurances of its highest consideration.

  
18 February 2025  


REFERENCE: 2024-OLC-000675

The Office of Legal Affairs of the United Nations presents its compliments to the Ministry of Foreign Affairs of Israel and has the honour to refer to the actions taken by the authorities of Israel with respect to United Nations premises operated by UNRWA in occupied East Jerusalem.

The Office of Legal Affairs understands that, on 18 February 2025, armed Israel Security Forces and officials from the Jerusalem Municipality entered, without permission of UNRWA, the UNRWA Kalandia Training Centre located in the Kfar Aqab neighbourhood of occupied East Jerusalem and ordered its evacuation and handover to the authorities of Israel, deploying tear gas and sound bombs in the vicinity. Israel Defence Forces and Israel Border Police vehicles were also deployed to block entry and exit into the Kalandia Training Centre compound. The Kalandia Training Centre was established by UNRWA in 1953 to provide vocational training and support services focusing on practical education for the labour market for Palestine refugee students aged 15-19. At the time of the incident, about 70 UNRWA staff members and 350 students were present in the Kalandia Training Centre.

The Office of Legal Affairs also understands that, on the same day, the officials of the Ministry of Education of Israel, accompanied in at least one case by the Israeli police, attempted to enter UNRWA schools in Sur Baher, Silwan and Wadi al-Joz, during the school day and ultimately issued orders to the UNRWA school staff to close them. Following this incident, in the interests of the safety of the students and staff, UNRWA decided to evacuate the Wadi al-Joz school.

The Office of Legal Affairs has the honour to refer to the letter of the Secretary-General dated 27 January 2025 addressed to the Permanent Representative of Israel to the United Nations. The Secretary-General reiterated that any actions that prevent UNRWA from continuing its activities would severely undermine the provision of an appropriate humanitarian response in the Occupied Palestinian Territory. The same letter also recalled that “Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation’ (*see Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, 19 July 2024, p.71, paras. 254 and 285*)” and that “[t]he implementation of the referenced legislation and the requirements imposed on that basis in the Occupied Palestinian Territory, including East Jerusalem, are therefore inconsistent with Israel’s obligations under international law.” The

Secretary-General also recalled the critical obligations of Israel to respect the absolute inviolability of all United Nations premises, including those of UNRWA, at all times.

In this regard, the Office of Legal Affairs also wishes to refer to its Note Verbale of 8 January 2025 recalling the legal framework applicable to UNRWA in the Occupied Palestinian Territory, including East Jerusalem.

As previously recalled, Israel, having acceded to the 1946 Convention on the Privileges and Immunities of the United Nations (the “General Convention”) on 21 September 1949, is bound by the obligations under the General Convention and must take steps to implement those obligations with respect to UNRWA.

Article II, Section 2 of the General Convention states that, “[t]he United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.” The Office of Legal Affairs wishes to note that no waiver of immunity has been granted with respect to UNRWA or properties held by it, including those located in occupied East Jerusalem.

Article II, Section 3 of the General Convention further states that, “[t]he premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action”. This obligation is absolute and applicable at all times. The Office of Legal Affairs notes that UNRWA properties, including those located in occupied East Jerusalem, such as the Kalandia Training Centre and its schools in Sur Baher, Silwan and Wadi al-Joz, constitute property and assets of the United Nations in the sense of Article II, Section 3, of the General Convention and, as such, they are inviolable. Israel therefore has an obligation to ensure these UNRWA properties are immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

In light of the foregoing, the actions taken by the authorities of Israel with respect to the Kalandia Training Centre and the schools in Sur Baher, Silwan and Wadi al-Joz, specifically, the entry into the premises without UNRWA’s consent, demands to enter the premises, the orders to evacuate, to close and to handover the premises, the deploying of tear gas and sound bombs in the proximity of United Nations personnel and premises, and the disruption caused to UNRWA’s mandated activities, are a violation of Israel’s obligations under the General Convention to respect the inviolability of those premises and assets of the United Nations from any form of interference. The disruption caused to students and the interruption of their educational

activities are also inconsistent with other obligations of Israel under international law.

In this regard, the Office of Legal Affairs wishes to further note that Section 34 of the General Convention states that, “[i]t is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention”. The internal law of Israel does not alter the international legal obligations of Israel under the General Convention, nor can it provide any justification for their breach.

In light of the above, the Office of Legal Affairs requests the Government of Israel to refrain from taking any further action with regard to UNRWA premises and further, to immediately take all necessary steps to restore, preserve and uphold the inviolability of UNRWA premises and their immunity from any form of interference. The Office of Legal Affairs further requests that Israel fulfil its obligations under the General Convention with respect to UNRWA operations in the Occupied Palestinian Territory, including East Jerusalem, and that the privileges and immunities of UNRWA under the General Convention not be curtailed or otherwise affected, consistently with Israel’s obligations under international law.

The Office of Legal Affairs of the United Nations avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Israel the assurances of its highest consideration.

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18 February 2025



UNITED NATIONS  
Office of Legal Affairs  
Bureau des affaires juridiques  
NATIONS UNIES

REFERENCE: 2024-OLC-000675

The Office of Legal Affairs of the United Nations presents its compliments to the Ministry of Foreign Affairs of Israel and has the honour to refer to the actions taken by the authorities of Israel against Mr. Thaer Jalloud, an UNRWA staff member, in connection with his involvement in the incident of 18 February 2025 in which armed Israel Security Forces and officials from the Jerusalem Municipality entered, without permission of UNRWA, the UNRWA Kalandia Training Centre located in the Kfar Aqab neighbourhood of occupied East Jerusalem. The Office of Legal Affairs understands that Mr. Jalloud was present at the Kalandia Training Centre at the time of the incident in his capacity as a Chief Area Officer of the UNRWA West Bank Field Office.

The Office of Legal Affairs has the honour to refer to its Note Verbale to the Ministry dated 18 February 2025 regarding this incident.

The Office of Legal Affairs understands that on 23 February 2025, Mr. Jalloud was instructed by the Israeli police to report to the Kalandia Checkpoint without being informed of the reason of the summons. On 25 February 2025, Mr. Jalloud, on a strictly voluntary basis and without prejudice to his privileges and immunities as a United Nation staff member, presented himself to the Kalandia Checkpoint. The Office of Legal Affairs further understands that from the Kalandia Checkpoint he was brought by the police to the Neve Yaakov Police Station in East Jerusalem.

At the Neve Yaakov Police Station, Mr. Jalloud was presented with criminal charges of threatening an Israeli official and entering or staying in Israel illegally and was subsequently interrogated, without the presence of his legal representative. A phone belonging to UNRWA and assigned to him was temporarily confiscated. The Office of Legal Affairs further understands that following his interrogation, Mr. Jalloud was photographed, and his fingerprints and DNA sample were collected. He was then released on bail, on condition that he will present himself before a court if summoned and that he is prohibited from being in the proximity of the Israeli official the charges relate to and from going to the UNRWA Kalandia Training Centre.

The Office of Legal Affairs also wishes to refer to its Note Verbale of 8 January 2025 recalling the legal framework applicable to UNRWA in the Occupied Palestinian Territory, including East Jerusalem.

Article 100, paragraph 2 of the Charter of the United Nations (“the Charter”) provides that “[e]ach Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.” In this connection, Article 105, paragraph 1 of the Charter provides that “[t]he Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.” Paragraph 2 of Article 105 further provides that “[...] 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.” Pursuant to Article 105, paragraph 3 of the Charter, which states that “[t]he General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose”, the General Assembly adopted the Convention on the Privileges and Immunities of the United Nations (the “General Convention”) on 13 February 1946.

As previously recalled, Israel, having acceded to the General Convention on 21 September 1949, is bound by the obligations under the General Convention and must take steps to implement those obligations with respect to UNRWA and its officials.

Article V, Section 18 (a) of the General Convention states that, “[o]fficials of the United Nations shall [...] [b]e immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity.” In this connection, Article V, Section 20 of the General Convention states that “[p]rivileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations.”

As a United Nations official, Mr. Jalloud is accorded immunity from legal process in respect of words spoken or written and all acts performed by him in his official capacity. In this regard, the Office of Legal Affairs notes that no waiver of Mr. Jalloud’s immunity has been granted.

The Office of Legal Affairs hereby wishes to inform the Ministry and confirm that Mr. Jalloud was present at the Kalandia Training Centre in his official capacity on behalf of UNRWA and, as such, he is immune from legal process.

Any concerns that the competent authorities may have regarding individual UNRWA personnel, in line with the legal framework applicable to the United Nations, must be brought to the attention of the Organization so that the matter may be considered by the United Nations in accordance with

its legal framework. In this connection, should the Government have specific concerns about the conduct of Mr. Jalloud, such concerns should be raised with the United Nations, together with all relevant information including the facts pertinent to the criminal charges against Mr. Jalloud, so that the Organization may address and investigate such concerns in accordance with its established framework.

The Office of Legal Affairs notes that no such information relating to Mr. Jalloud's alleged conduct has been provided to the Organization. In this regard, the actions taken by the authorities of Israel against Mr. Jalloud, including the summoning, detention and interrogation of Mr. Jalloud and the presentation of criminal charges and subsequent proceedings against Mr. Jalloud is inconsistent with Israel's obligation under the General Convention to observe his immunity from legal process as a United Nations official.

In relation to the confiscation of the phone belonging to UNRWA, the Office of Legal Affairs notes that Article II, Section 3 of the General Convention provides that "[t]he property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action". This obligation is absolute and applies at all times. The phone held by Mr. Jalloud is the property of UNRWA and, as such, is inviolable and immune from confiscation. In this regard, the temporary confiscation of Mr. Jalloud's phone by the Israeli authorities during his detention is inconsistent with Israel's obligations under Article II, Section 3 of the General Convention.

In light of the foregoing, the Office of Legal Affairs respectfully requests the Ministry to take the necessary steps to ensure that the proceedings against Mr. Jalloud are dismissed or otherwise discontinued, consistently with Israel's obligations under international law. Moreover, UNRWA continues to require Mr. Jalloud's travel within UNRWA's areas of operations, including to the Kalandia Training Centre, and in this regard the Office of Legal Affairs respectfully requests that the Ministry take the necessary steps to facilitate his movement. The Office of Legal Affairs further respectfully requests that UNRWA property and assets held by Mr. Jalloud are protected from any form of interference by the competent authorities.

The Office of Legal Affairs of the United Nations avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Israel the assurances of its highest consideration.

28 February 2025



REFERENCE: 2024-OLC-000675

The Office of Legal Affairs of the United Nations presents its compliments to the Ministry of Foreign Affairs of Israel and has the honour to refer to the actions taken by the authorities of Israel with respect to United Nations premises operated by UNRWA in occupied East Jerusalem.

The Office of Legal Affairs understands that, on 4 March 2025, Israel officials from the Education Department of the Jerusalem Municipality, accompanied by more than 20 armed members of the Border Police entered, without UNRWA's consent, three UNRWA schools – Girls' School No. 1 and 2, and Boys' School – in the Shu'fat camp. A number of Border Police officials also remained outside the school compound.

The Office of Legal Affairs further understands that the Israeli officials entered the offices of the principals of the UNRWA schools without permission and demanded certain details regarding the schools and their students. The Office of Legal Affairs understands that the Israeli officials photographed confidential information containing personal details of UNRWA personnel.

The Office of Legal Affairs has the honour to refer to its Note Verbale of 18 February 2025 recalling Israel's obligations under the 1946 Convention on the Privileges and Immunities of the United Nations (the "General Convention") to respect the inviolability of UNRWA premises. The UNRWA schools and their compound are property belonging to the United Nations and are, therefore, pursuant to Article II, Sections 2 and 3 of the General Convention, inviolable from any form of interference.

Moreover, the Office of Legal Affairs wishes to recall Article II, Section 4 of the General Convention which states that, "[t]he archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located." Such inviolability would be applicable to the documents and information held by the UNRWA schools.

In this regard, the actions taken by the authorities of Israel with respect to the UNRWA schools and compound, specifically the entry into the premises without UNRWA's consent and the unauthorised collection of UNRWA information are a violation of Israel's obligations under the General Convention to respect the inviolability of the UNRWA schools and compound, and of its archives. Any requests for UNRWA information, consistently with established practice, should be presented to the

United Nations by the Ministry of Foreign Affairs so that the Organization may consider such requests in accordance with the privileges, immunities and policies of the United Nations.

The Office of Legal Affairs is concerned that notwithstanding its request conveyed in its Note Verbale of 18 February 2025 that the Government of Israel refrain from taking any further action with regard to the UNRWA premises and to immediately take all necessary steps to restore, preserve and uphold the inviolability of the UNRWA premises and their immunity from any form of interference, further violations are ongoing. The Office of Legal Affairs reiterates its request that Israel fulfil its obligations under the General Convention with respect to UNRWA operations in the Occupied Palestinian Territory, including East Jerusalem, and that the privileges and immunities of UNRWA under the General Convention not be curtailed or otherwise affected, consistently with Israel's obligations under international law.

The Office of Legal Affairs of the United Nations avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Israel the assurances of its highest consideration.



7 March 2025

