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Annex 1

Exchange of letters constituting a provisional agreement concerning assistance to Palestine Refugees, Jerusalem, 14 June 1967

רשומות

כתבי אמנה

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חילוף איגרות בין ישראל ובין אונר"א
המהווה הסכם בדבר פעולותיה של סוכנות האומות המאוחדות לסעד ולתעסוקה לפליטי ארץ ישראל במזרח הקרוב

נעשה בירושלים ביום 14 ביוני, 1967
נכנס לתוקף ביום 14 ביוני, 1967

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

(תרגום)

משרד החוץ
ירושלים, ישראל

ירושלים, 14 ביוני, 1967

אדוני הנציב הכללי,

אני רוצה להתייחס לשיחות שהיו לי עמך ועם עמיתיך במשך שני הימים האחרונים, ולאשר את הסכמנו, כי לבקשת ממשלת ישראל תמשיך אונר"א את סיועה לפליטי ארץ ישראל, בשיתוף פעולה מלא עם רשויותיה של ישראל, בשטחי הגדה המערבית ורצועת עזה.

Ministry for Foreign Affairs
Jerusalem, Israel

Jerusalem, 14 June 1967

Dear Commissioner-General,

I wish to refer to the conversations I have had with you and your colleagues within the last two days, and to confirm our agreement that, at the request of the Israel Government, UNRWA would continue its assistance to the Palestine refugees, with the full co-operation of the Israel authorities, in the West Bank and Gaza Strip areas.

For its part, the Israel Government will facilitate the task of UNRWA to the best of its ability, subject only to regulations or arrangements which may be necessitated by considerations of military security. On this understanding, we are prepared to agree in principle:

(a) To ensure the protection and security of the personnel, installations and property of UNRWA;

(b) To permit the free movement of UNRWA vehicles into, within and out of Israel and the areas in question;

(c) To permit the international staff of the Agency to move into, out and within Israel and the areas in question; they will be provided with identity documents and other passes which might be required;

(d) To permit the local staff of the Agency to move within the areas in question under arrangements made or to be made with the military authorities;

(e) To provide radio, telecommunications and landing facilities;

(f) Pending a further supplementary agreement, to maintain the previously existing financial arrangements with the governmental authorities then responsible for the areas in question, concerning —

(i) exemptions from customs duties, taxes and charges on importation of supplies, goods and equipment;

(ii) provision free of charge of warehousing, labour for offloading and handling, and transport by rail or road in the areas under our control;

(iii) such other costs to the Agency as were previously met by the governmental authorities concerned;

מצידה תקל ממשלת ישראל על תפקידה של אונר"א כמיטב יכולתה, בכפוף אך ורק לתקנות או להסדרים העשויים להידרש מתוך שיקולים של ביטחון צבאי. מתוך הנחה זו אנו מוכנים בעיקרון:

(א) להבטיח את הגנתם וביטחונם של חבר העובדים, המתקנים והרכוש של אונר"א;

(ב) להתיר תנועה חופשית של כלי הרכב של אונר"א, אל ישראל והשטחים הנידונים, בתוכם, ואל מחוצה להם;

(ג) להתיר לחבר העובדים הבין־לאומי של הסוכנות לנוע אל ישראל והשטחים הנידונים, מהם ובתוכם; הם יצוידו במסמכי זהות וכל תעודות מעבר אחרות העשויות להידרש;

(ד) להתיר לחבר העובדים המקומי של הסוכנות לנוע בתוך השטחים הנידונים לפי הסדרים שנעשו, או שייעשו, עם הרשויות הצבאיות;

(ה) לספק שירותי רדיו, טלקומוניקציה ונחיתה;

(ו) עד להסכם משלים נוסף, לקיים את ההסדרים הכספיים שהיו קיימים לפנים עם הרשויות הממשלתיות, שהיו אחראיות אז לשטחים הנידונים, לענין —

(1) פטור מתשלומי מכס, מסים והיטלים, על יבואם של אספקה, טובין וציוד;

(2) הספקת חינם של אחסון, עבודות פריקה וניטול, והובלה ברכבת או בכבישים בשטחים שבשליטתנו;

(3) כל אותן הוצאות אחרות לסוכנות שכוסו לפנים על־ידי הרשויות הממשלתיות הנוגעות בדבר;

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(g) To recognize that the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, to which Israel is a party, shall govern the relations between the Government and UNRWA in all that concerns UNRWA's functions.

The present letter and your acceptance in writing will be considered by the Government of Israel and by UNRWA as a provisional agreement which will remain in force until replaced or cancelled.

I have the honour to be,

Michael Comay

Political Adviser to the
Foreign Minister and
Ambassador-at-Large

Dr. Lawrence Michelmore,
Commissioner-General,
United Nations Relief and Works Agency.

(ז) להכיר כי האמנה בדבר זכויות יתר וחסינות לאומות המאוחדות, מיום 13 בפברואר, 1946, שישראל צד לה, תסדיר את היחסים בין הממשלה ובין אונר"א בכל הנוגע לתפקידי אונר"א.

מכתב זה והסכמתך בכתב יירָאו על ידי ממשלת ישראל ועל ידי אונר"א כהסכם זמני, שיעמוד בתוקפו עד אשר יוחלף או יבוטל.

יש לי הכבוד להיות,

מיכאל קומיי

יועץ מדיני לשר החוץ
ושגריר מיוחד

לכבוד ד"ר לורנס מיצ'למור
נציב כללי
סוכנות הסעד והתעסוקה של האומות המאוחדות.

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סוכנות האומות המאוחדות לסעד ולתעסוקה
לפליטי ארץ ישראל במזרח הקרוב

14 ביוני, 1967

הוד מעלתך,

אני מסתמך על מכתבך מתאריך יום זה, וברצוני לאשר, כי אונר"א חפצה להמשיך את סיועה לפליטי ארץ ישראל בשטחי הגדה המערבית ורצועת עזה, על הבסיס שהוצע במכתבך. הדבר יהווה נושא לאותו הסכם משלים נוסף, כפי שעשוי להידרש, ולהסדרים מפורטים שנציגי אונר"א יערכו עם השלטונות בשני השטחים הנוגעים לענין.

מובן מאליו ששיתוף פעולה זה אינו מורה על כל התחייבות או עמדה מצד אונר"א לגבי מעמדו של כל שטח מן השטחים הנידונים, או של כל מסמך הנוגע בהם, אלא הוא קשור אך ורק בהמשך תפקידה ההומניטרי.

כפי שהסברתי בשיחתנו, ההקלות המנויות בפסקאות (א) עד (ז) של מכתבך הן חיוניות, אם על הסוכנות לפעול באורח יעיל. מסיבה זו אני מצפה, שאותן הגבלות העשויות להיות מוטלות לפי שעה לגבי השימוש המלא בהקלות אלו יוסרו מיד לכשישקולים של ביטחון צבאי ירשו זאת.

אני מסכים שמכתבך ותשובה זו יהוו הסכם זמני בין אונר"א ובין ממשלת ישראל, שיעמוד בתוקף עד אשר יוחלף או יבוטל. הסכמת אונר"א כפופה לכל הוראות או החלטות הנוגעות לענין שמקורן באומות המאוחדות.

יש לי הכבוד להיות,

שלך בנאמנות
לורנס מיצ'למור
נציב כללי

לכבוד הוד מעלתו מיכאל קומיי
יועץ מדיני לשר החוץ
של ישראל ושגריר מיוחד.

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

14 June 1967.

Your Excellency,

I refer to your letter of to-day's date, and wish to confirm that UNRWA is willing to continue its assistance to the Palestine refugees in the West Bank and Gaza Strip areas on the basis proposed in your letter. This will be subject to such further supplementary agreements as may be required, and to detailed arrangements which UNRWA representatives will make with the authorities in the two areas concerned.

Naturally, this co-operation implies no commitment or position by UNRWA with regard to the status of any of the areas in question, or of any instrument relating to them, but is concerned solely with the continuation of its humanitarian task.

As I explained in our conversation, the facilities enumerated in paras. (a) to (g) of your letter are essential if the Agency is to operate effectively. For this reason I expect that such restrictions as may for the time being be placed on the full use of those facilities will be removed as soon as considerations of military security permit this.

I agree that your letter and this reply constitute a provisional agreement between UNRWA and the Government of Israel, to remain in force until replaced or cancelled. UNRWA's agreement is subject to any relevant instructions or resolutions emanating from the United Nations.

I have the honour to be,

Yours faithfully,
Lawrence Michelmore
Commissioner-General

His Excellency Michael Comay,
Political Adviser to the Foreign Minister
of Israel and Ambassador-at-Large.

Annex 2

United Nations General Assembly, Strengthening of the Coordination of Humanitarian Emergency Assistance of the United Nations, Resolution 46/182 (19 December 1991)
UN Doc. A/RES/46/182

high-level segment to the consideration of the implementation of the New Agenda;

(*c*) In 1996 the General Assembly will conduct a mid-term review of the implementation of the New Agenda;

(*d*) In 1998 the Economic and Social Council will devote part of its high-level segment to the implementation of the New Agenda;

(*e*) In the year 2000 the General Assembly will conduct the final review and assessment of the implementation of the New Agenda.

44. For the mid-term review in 1996 and the final review and assessment in the year 2000, the General Assembly will take the necessary measures, including, if required, the establishment of an ad hoc committee for the preparation of these reviews.

45. The Secretary-General, taking into account the relevant inputs from relevant organs, organizations and programmes of the United Nations system and other competent bodies, will provide an analytical assessment of the implementation of the New Agenda and make concrete recommendations thereon to the General Assembly and the Economic and Social Council, according to the arrangements outlined in paragraph 43 above.

46. The assessment and recommendations of the Organization of African Unity on the implementation of the New Agenda will also be submitted to the General Assembly and the Economic and Social Council.

47. The Secretary-General will ensure appropriate and adequate support for the follow-up process, including the continuation of the effective public information activities and mobilization of efforts to raise international awareness of the economic crisis in Africa.

48. The ongoing initiatives aimed at assisting Africa in its development efforts should be encouraged. In this regard, consultative groups such as the Global Coalition for Africa should assist in rallying international support for the implementation of the New Agenda. The Global Coalition for Africa may be invited to attend the meetings of the General Assembly and the Economic and Social Council devoted to the New Agenda for Africa.

46/181. International Decade for the Eradication of Colonialism

The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,[54]

Reaffirming in all its terms its resolution 1514 (XV) of 14 December 1960, which contains the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 43/47 of 22 November 1988, by which it declared the decade beginning in 1990 as the International Decade for the Eradication of Colonialism,

Having examined the three interim reports of the Secretary-General prepared in pursuance of its resolution 43/47,[134]

Bearing in mind the report of the Working Group of the Movement of Non-Aligned Countries on Decolonization, adopted by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Accra from 2 to 7 September 1991,[135]

Bearing in mind also the important contribution of the United Nations in the field of decolonization, in particular through the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

1. *Reaffirms* the inalienable right of the peoples of the remaining Non-Self-Governing Territories to self-determination and independence in accordance with the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and other relevant United Nations resolutions and decisions;

2. *Declares* that the ultimate goal of the International Decade for the Eradication of Colonialism is the free exercise of the right to self-determination by the peoples of each and every remaining Non-Self-Governing Territory in accordance with resolution 1514 (XV) and all other relevant resolutions and decisions adopted by the General Assembly;

3. *Declares* that exercise of the right to self-determination should be carried out freely and without outside pressure, in a form reflecting authentic interests and aspirations of the peoples of Non-Self-Governing Territories and with the United Nations playing an appropriate role;

4. *Adopts* the proposals contained in the annex to the report of the Secretary-General, dated 13 December 1991, to serve as a plan of action for the International Decade for the Eradication of Colonialism;[136]

5. *Invites* Member States, the United Nations system and other governmental and non-governmental organizations actively to support and participate in the implementation of the plan of action.

78th plenary meeting
19 December 1991

46/182. Strengthening of the coordination of humanitarian emergency assistance of the United Nations

The General Assembly,

Recalling its resolution 2816 (XXVI) of 14 December 1971 and its subsequent resolutions and decisions on humanitarian assistance, including its resolution 45/100 of 14 December 1990,

Recalling also its resolution 44/236 of 22 December 1989, the annex to which contains the International Framework of Action for the International Decade for Natural Disaster Reduction,

Deeply concerned about the suffering of the victims of disasters and emergency situations, the loss in human lives, the flow of refugees, the mass displacement of people and the material destruction,

Mindful of the need to strengthen further and make more effective the collective efforts of the international community, in particular the United Nations system, in providing humanitarian assistance,

Taking note with satisfaction of the report of the Secretary-General on the review of the capacity, experience and coordination arrangements in the United Nations system for humanitarian assistance,[137]

1. *Adopts* the text contained in the annex to the present resolution for the strengthening of the coordination of emergency humanitarian assistance of the United Nations system;

2. *Requests* the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the present resolution.

78th plenary meeting
19 December 1991

ANNEX

I. Guiding principles

1. Humanitarian assistance is of cardinal importance for the victims of natural disasters and other emergencies.

2. Humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality.

3. The sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. In this context, humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country.

4. Each State has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its territory. Hence, the affected State has the primary role in the initiation, organization, coordination, and implementation of humanitarian assistance within its territory.

5. The magnitude and duration of many emergencies may be beyond the response capacity of many affected countries. International cooperation to address emergency situations and to strengthen the response capacity of affected countries is thus of great importance. Such cooperation should be provided in accordance with international law and national laws. Intergovernmental and non-governmental organizations working impartially and with strictly humanitarian motives should continue to make a significant contribution in supplementing national efforts.

6. States whose populations are in need of humanitarian assistance are called upon to facilitate the work of these organizations in implementing humanitarian assistance, in particular the supply of food, medicines, shelter and health care, for which access to victims is essential.

7. States in proximity to emergencies are urged to participate closely with the affected countries in international efforts, with a view to facilitating, to the extent possible, the transit of humanitarian assistance.

8. Special attention should be given to disaster prevention and preparedness by the Governments concerned, as well as by the international community.

9. There is a clear relationship between emergency, rehabilitation and development. In order to ensure a smooth transition from relief to rehabilitation and development, emergency assistance should be provided in ways that will be supportive of recovery and long-term development. Thus, emergency measures should be seen as a step towards long-term development.

10. Economic growth and sustainable development are essential for prevention of and preparedness against natural disasters and other emergencies. Many emergencies reflect the underlying crisis in development facing developing countries. Humanitarian assistance should therefore be accompanied by a renewal of commitment to economic growth and sustainable development of developing countries. In this context, adequate resources must be made available to address their development problems.

11. Contributions for humanitarian assistance should be provided in a way which is not to the detriment of resources made available for international cooperation for development.

12. The United Nations has a central and unique role to play in providing leadership and coordinating the efforts of the international community to support the affected countries. The United Nations should ensure the prompt and smooth delivery of relief assistance in full respect of the above-mentioned principles, bearing in mind also relevant General Assembly resolutions, including resolutions 2816 (XXVI) of 14 December 1971 and 45/100 of 14 December 1990. The United Nations system needs to be adapted and strengthened to meet present and future challenges in an effective and coherent manner. It should be provided with resources commensurate with future requirements. The inadequacy of such resources has been one of the major constraints in the effective response of the United Nations to emergencies.

II. Prevention

13. The international community should adequately assist developing countries in strengthening their capacity in disaster prevention and mitigation, both at the national and regional levels, for example, in establishing and enhancing integrated programmes in this regard.

14. In order to reduce the impact of disasters there should be increased awareness of the need for establishing disaster mitigation strategies, particularly in disaster-prone countries. There should be greater exchange and dissemination of existing and new technical information related to the assessment, prediction and mitigation of disasters. As called for in the International Decade for Natural Disaster Reduction, efforts should be intensified to develop measures for prevention and mitigation of natural disasters and similar emergencies through programmes of technical assistance and modalities for favourable access to, and transfer of, relevant technology.

15. The disaster management training programme recently initiated by the Office of the United Nations Disaster Relief Coordinator and the United Nations Development Programme should be strengthened and broadened.

16. Organizations of the United Nations system involved in the funding and the provision of assistance relevant to the prevention of emergencies should be provided with sufficient and readily available resources.

17. The international community is urged to provide the necessary support and resources to programmes and activities undertaken to further the goals and objectives of the Decade.

III. Preparedness

18. International relief assistance should supplement national efforts to improve the capacities of developing countries to mitigate the effects of natural disasters expeditiously and effectively and to cope efficiently with all emergencies. The United Nations should enhance its efforts to assist developing countries to strengthen their capacity to respond to disasters, at the national and regional levels, as appropriate.

Early warning

19. On the basis of existing mandates and drawing upon monitoring arrangements available within the system, the United Nations should intensify efforts, building upon the existing capacities of relevant organizations and entities of the United Nations, for the systematic pooling, analysis and dissemination of early-warning information on natural disasters and other emergencies. In this context, the United Nations should consider making use as appropriate of the early-warning capacities of Governments and intergovernmental and non-governmental organizations.

20. Early-warning information should be made available in an unrestricted and timely manner to all interested Governments and concerned authorities, in particular of affected or disaster-prone countries. The capacity of disaster-prone countries to receive, use and disseminate this information should be strengthened. In this connection, the international community is urged to assist these countries upon request with the establishment and enhancement of national early-warning systems.

IV. Stand-by capacity

(a) *Contingency funding arrangements*

21. Organizations and entities of the United Nations system should continue to respond to requests for emergency assistance within their respective mandates. Reserve and other contingency funding arrangements of these organizations and entities should be examined by their respective governing bodies to strengthen further their operational capacities for rapid and coordinated response to emergencies.

22. In addition, there is a need for a complementary central funding mechanism to ensure the provision of adequate resources for use in the initial phase of emergencies that require a system-wide response.

23. To that end, the Secretary-General should establish under his authority a central emergency revolving fund as a cash-flow mechanism to ensure the rapid and coordinated response of the organizations of the system.

24. This fund should be put into operation with an amount of 50 million United States dollars. The fund should be financed by voluntary contributions. Consultations among potential donors should be held to this end. To achieve this target, the Secretary-General should launch an appeal to potential donors and convene a meeting of those donors in the first quarter of 1992 to secure contributions to the fund on an assured, broad-based and additional basis.

25. Resources should be advanced to the operational organizations of the system on the understanding that they would reimburse the fund in the first instance from the voluntary contributions received in response to consolidated appeals.

26. The operation of the fund should be reviewed after two years.

(b) *Additional measures for rapid response*

27. The United Nations should, building upon the existing capacities of relevant organizations, establish a central register of all specialized personnel and teams of technical specialists, as well as relief supplies, equipment and services available within the United Nations system and from Governments and intergovernmental and non-governmental organizations, that can be called upon at short notice by the United Nations.

28. The United Nations should continue to make appropriate arrangements with interested Governments and intergovernmental and non-governmental organizations to enable it to have more expeditious access, when necessary, to their emergency relief capacities, including food reserves, emergency stockpiles and personnel, as well as logistic support. In the context of the annual report to the General Assembly mentioned in paragraph 35 (*i*) below, the Secretary-General is requested to report on progress in this regard.

29. Special emergency rules and procedures should be developed by the United Nations to enable all organizations to disburse quickly emergency funds, and to procure emergency supplies and equipment, as well as to recruit emergency staff.

30. Disaster-prone countries should develop special emergency procedures to expedite the rapid procurement and deployment of equipment and relief supplies.

V. CONSOLIDATED APPEALS

31. For emergencies requiring a coordinated response, the Secretary-General should ensure that an initial consolidated appeal covering all concerned organizations of the system, prepared in consultation with the affected State, is issued within the shortest possible time and in any event not longer than one week. In the case of prolonged emergencies, this initial appeal should be updated and elaborated within four weeks, as more information becomes available.

32. Potential donors should adopt necessary measures to increase and expedite their contributions, including setting aside, on a stand-by basis, financial and other resources that can be disbursed quickly to the United Nations system in response to the consolidated appeals of the Secretary-General.

VI. COORDINATION, COOPERATION AND LEADERSHIP

(a) *Leadership of the Secretary-General*

33. The leadership role of the Secretary-General is critical and must be strengthened to ensure better preparation for, as well as rapid and coherent response to, natural disasters and other emergencies. This should be achieved through coordinated support for prevention and preparedness measures and the optimal utilization of, *inter alia*, an inter-agency standing committee, consolidated appeals, a central emergency revolving fund and a register of stand-by capacities.

34. To this end, and on the understanding that the requisite resources envisaged in paragraph 24 above would be provided, a high-level official (emergency relief coordinator) would be designated by the Secretary-General to work closely with and with direct access to him, in cooperation with the relevant organizations and entities of the system dealing with humanitarian assistance and in full respect of their mandates, without prejudice to any decisions to be taken by the General Assembly on the overall restructuring of the Secretariat of the United Nations. This high-level official should combine the functions at present carried out in the coordination of United Nations response by representatives of the Secretary-General for major and complex emergencies, as well as by the United Nations Disaster Relief Coordinator.

35. Under the aegis of the General Assembly and working under the direction of the Secretary-General, the high-level official would have the following responsibilities:

(*a*) Processing requests from affected Member States for emergency assistance requiring a coordinated response;

(*b*) Maintaining an overview of all emergencies through, *inter alia*, the systematic pooling and analysis of early-warning information as envisaged in paragraph 19 above, with a view to coordinating and facilitating the humanitarian assistance of the United Nations system to those emergencies that require a coordinated response;

(*c*) Organizing, in consultation with the Government of the affected country, a joint inter-agency needs-assessment mission and preparing a consolidated appeal to be issued by the Secretary-General, to be followed by periodic situation reports including information on all sources of external assistance;

(*d*) Actively facilitating, including through negotiation if needed, the access by the operational organizations to emergency areas for the rapid provision of emergency assistance by obtaining the consent of all parties concerned, through modalities such as the establishment of temporary relief corridors where needed, days and zones of tranquility and other forms;

(*e*) Managing, in consultation with the operational organizations concerned, the central emergency revolving fund and assisting in the mobilization of resources;

(*f*) Serving as a central focal point with Governments and intergovernmental and non-governmental organizations concerning United Nations emergency relief operations and, when appropriate and necessary, mobilizing their emergency relief capacities, including through consultations in his capacity as Chairman of the Inter-Agency Standing Committee;

(*g*) Providing consolidated information, including early warning on emergencies, to all interested Governments and concerned authorities, particularly affected and disaster-prone countries, drawing on the capacities of the organizations of the system and other available sources;

(*h*) Actively promoting, in close collaboration with concerned organizations, the smooth transition from relief to rehabilitation and reconstruction as relief operations under his aegis are phased out;

(*i*) Preparing an annual report for the Secretary-General on the coordination of humanitarian emergency assistance, including information on the central emergency revolving fund, to be submitted to the General Assembly through the Economic and Social Council.

36. The high-level official should be supported by a secretariat based on a strengthened Office of the United Nations Disaster Relief Coordinator and the consolidation of existing offices that deal with complex emergencies. This secretariat could be supplemented by staff seconded from concerned organizations of the system. The high-level official should work closely with organizations and entities of the United Nations system, as well as the International Committee of the Red Cross, the League of Red Cross and Red Crescent Societies, the International Organization for Migration and relevant non-governmental organizations. At the country level, the high-level official would maintain close contact with and provide leadership to the resident coordinators on matters relating to humanitarian assistance.

37. The Secretary-General should ensure that arrangements between the high-level official and all relevant organizations are set in place, establishing responsibilities for prompt and coordinated action in the event of emergency.

(b) *Inter-Agency Standing Committee*

38. An Inter-Agency Standing Committee serviced by a strengthened Office of the United Nations Disaster Relief Coordinator should be established under the chairmanship of the high-level official with the participation of all operational organizations and with a standing invitation to the International Committee of the Red Cross, the League of Red Cross and Red Crescent Societies, and the International Organization for Migration. Relevant non-governmental organizations can be invited to participate on an ad hoc basis. The Committee should meet as soon as possible in response to emergencies.

(c) *Country-level coordination*

39. Within the overall framework described above and in support of the efforts of the affected countries, the resident coordinator should normally coordinate the humanitarian assistance of the United Nations system at the country level. He/She should facilitate the preparedness of the United Nations system and assist in a speedy transition from relief to development. He/She should promote the use of all locally or regionally available relief capacities. The resident coordinator should chair an emergency operations group of field representatives and experts from the system.

VII. CONTINUUM FROM RELIEF TO REHABILITATION AND DEVELOPMENT

40. Emergency assistance must be provided in ways that will be supportive of recovery and long-term development. Development assistance organizations of the United Nations system should be involved at an early stage and should collaborate closely with those responsible for emergency relief and recovery, within their existing mandates.

41. International cooperation and support for rehabilitation and reconstruction should continue with sustained intensity after the initial relief

stage. The rehabilitation phase should be used as an opportunity to restructure and improve facilities and services destroyed by emergencies in order to enable them to withstand the impact of future emergencies.

42. International cooperation should be accelerated for the development of developing countries, thereby contributing to reducing the occurrence and impact of future disasters and emergencies.

46/219. Operational activities of the United Nations system

The General Assembly,

Reaffirming the continuing validity of its resolutions 2688 (XXV) of 11 December 1970, 3362 (S-VII) of 16 September 1975, 32/197 of 20 December 1977, 42/196 of 11 December 1987, 44/211 of 22 December 1989, S-18/3 of 1 May 1990 and 45/199 of 21 December 1990,

Emphasizing the importance of strengthening the operational activities for development of the United Nations system in accordance with the above-mentioned resolutions,

Reaffirming that the fundamental characteristics of the operational activities of the United Nations system should be, *inter alia*, their universality, their voluntary and grant nature, their neutrality and multilateralism, and their ability to respond to the needs and concerns of the developing countries, at their request and in accordance with their development plans, priorities and objectives,

Noting with concern that progress in implementing parts of its resolution 44/211 has been disappointing and stressing the need for more vigorous efforts to implement the resolution in areas in which the implementation has been unsatisfactory,

Recognizing the need to give guidance to the Director-General for Development and International Economic Cooperation in the preparation of the report for the next triennial policy review of operational activities,

1. *Takes note* of the report of the Director-General for Development and International Economic Cooperation on operational activities of the United Nations system;[138]

2. *Reaffirms* the importance of its resolution 44/211 and the need for coordinated and full implementation of the resolution by the relevant organs, organizations and bodies of the United Nations system, taking into account the interrelationships among issues;

3. *Also reaffirms* the principal responsibility of Governments in managing programmes and projects supported by the United Nations system;

4. *Takes note* of decision 91/32 on support costs successor arrangements, adopted by the Governing Council of the United Nations Development Programme on 25 June 1991;[139]

5. *Calls upon* the international community, in particular donor countries, for a real and significant increase in resources for operational activities for development on a continuous, predictable and assured basis and urges all countries to increase their voluntary contributions for operational activities for development;

6. *Urges* developed countries, in particular those countries whose overall performance is not commensurate with their capacity, taking into account established official development assistance targets, including targets established at the Second United Nations Conference on the Least Developed Countries[133] and present levels of contribution, to substantially increase their official development assistance, including contributions to the operational activities of the United Nations system;

7. *Takes note* of decision 91/27 on national execution, adopted by the Governing Council of the Programme on 21 June 1991;[139]

8. *Stresses* that the national execution modality should be the norm for programmes and projects funded by the United Nations system, taking into account the needs and capacities of developing countries;

9. *Also stresses* the principal responsibility of developing countries in determining their capacity to execute programmes and projects funded by the United Nations system;

10. *Calls upon* the United Nations system to simplify the rules and procedures for national execution within the framework of enhanced accountability, particularly in order to minimize the administrative burden of Governments and the costs of managing projects and programmes;

11. *Also calls upon* the organizations of the United Nations system to intensify their efforts to assist developing countries, at their request, in developing their multisectoral, sectoral and subsectoral strategies, which should provide a framework for coordinated and coherent programming, and stresses the need to enhance the coherence of the response of the United Nations system to these strategies;

12. *Reaffirms* the continued validity of the resident coordinator system as detailed in the relevant resolutions of the General Assembly, and the urgent need to strengthen the effectiveness of the resident coordinator system;

13. *Also reaffirms* the need to improve cooperation between individual agencies at the field level;

14. *Calls upon* the organs, organizations and bodies of the United Nations system to utilize existing capacities to enhance the participation of nationals in projects and programmes;

15. *Welcomes* the proposal of the Director-General to undertake a feasibility study on a coordinated strategy of training for United Nations staff members and national officials involved in operational activities and requests him to submit the study, with his recommendations, to the General Assembly at its forty-seventh session;

16. *Urges* the agencies of the United Nations system to continue and expand, within existing resources, their joint training programmes for United Nations country teams and urges that these programmes be expanded to the country level and include Government officials;

17. *Reaffirms* the importance of the triennial policy review of operational activities to be undertaken by the General Assembly at its forty-seventh session, which should build on and, where necessary, elaborate further the elements of its resolution 44/211;

18. *Requests* the Director-General to include in his triennial policy review a report on the implementation of resolution 44/211 and recommendations on programming with particular emphasis on the following:

(*a*) The harmonization and adaptation of the programme cycles of all funding agencies of the United Nations system to the planning periods of national Governments, and further consideration to the introduction of budgetary cycles on a rolling-cycle basis;

(*b*) The simplification of procedures relating to project

Annex 3

United Nations General Assembly, Strengthening of the Coordination of Emergency Humanitarian Assistance of the United Nations, Resolution 58/114 (17 December 2003)
UN Doc. A/RES/58/114

General Assembly

Distr.: General
5 February 2004

Fifty-eighth session
Agenda item 40 (*a*)

Resolution adopted by the General Assembly on 17 December 2003

[*without reference to a Main Committee (A/58/L.39 and Add.1)*]

58/114. Strengthening of the coordination of emergency humanitarian assistance of the United Nations

The General Assembly,

Recalling its resolution 46/182 of 19 December 1991 and the guiding principles contained in the annex thereto, other relevant General Assembly and Economic and Social Council resolutions and agreed conclusions of the Council,

Taking note of the report of the Secretary-General,[1]

Taking note also of the report of the Secretary-General on the status of implementation of actions described in the report of the Secretary-General entitled "Strengthening of the United Nations: an agenda for further change",[2]

Reaffirming the principles of neutrality, humanity and impartiality for the provision of humanitarian assistance,

Recognizing that independence, meaning the autonomy of humanitarian objectives from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented, is also an important guiding principle for the provision of humanitarian assistance,

Gravely concerned about the acts of violence against humanitarian personnel and United Nations and its associated personnel, in particular deliberate attacks, which are in violation of international humanitarian law or other international law that may be applicable,

Gravely concerned also about the lack of access by humanitarian personnel to victims of humanitarian emergencies, in particular in armed conflict and in post-conflict situations, in many regions of the world,

Reaffirming the responsibility first and foremost of States to take care of the victims of humanitarian emergencies within their own borders, while recognizing that the magnitude and duration of many emergencies may be beyond the response capacity of many affected countries,

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[1] A/58/89-E/2003/85.

[2] A/58/351.

Concerned about the need to mobilize adequate levels of financing for emergency humanitarian assistance,

Emphasizing that the Office for the Coordination of Humanitarian Affairs of the Secretariat should benefit from adequate and more predictable funding, while stressing the importance for the Office to continue to make efforts to broaden its donor base,

Recognizing the importance of humanitarian assistance in ensuring the effective transition from conflict to peace and in preventing the recurrence of armed conflict, and that humanitarian assistance must be provided in ways that will be supportive of recovery and long-term development,

Recognizing also the importance of adequate assistance in the transition from relief to development,

1. *Takes note with appreciation* of the outcome of the sixth humanitarian affairs segment of the Economic and Social Council, during its substantive session of 2003;

2. *Welcomes* the appointment of the new Emergency Relief Coordinator, encourages the Office for the Coordination of Humanitarian Affairs of the Secretariat to continue its efforts to strengthen the coordination of humanitarian assistance of the United Nations, including through the Consolidated Appeal Process, and calls upon relevant United Nations organizations as well as other humanitarian and development actors to work with the Office in enhancing the coordination, effectiveness and efficiency of humanitarian assistance;

3. *Stresses* the need to increase in an incremental way, in the normal course of the budget process, the share of the budget of the Office for the Coordination of Humanitarian Affairs borne by the United Nations regular budget;

4. *Emphasizes* the importance of the discussion of humanitarian policies and activities in the General Assembly and the Economic and Social Council;

5. *Calls upon* relevant organizations of the United Nations system, other relevant international organizations, Governments and non-governmental organizations to cooperate with the Secretary-General and the Emergency Relief Coordinator to ensure timely implementation of and follow-up to resolutions of the Economic and Social Council adopted at the humanitarian affairs segment of its substantive session;

6. *Encourages* the Economic and Social Council to consider the issue of the transition from relief to development in an integrated manner, through a possible joint meeting of the humanitarian and operational segments, during its substantive session in the near future, in view of the importance of getting humanitarian and development organizations, including international and regional financial institutions and non-governmental organizations, to discuss and review more fully the implications of the transition from relief to development in their programming, and invites the Council to take into account, inter alia, the work in progress by the United Nations system to clarify its role in post-conflict transition situations as well as other relevant information in its consideration;

7. *Strongly condemns* all forms of violence to which humanitarian personnel and United Nations and its associated personnel are increasingly subjected, as well as any act or failure to act, contrary to international law, which obstructs or prevents humanitarian personnel and United Nations and its associated personnel from discharging their humanitarian functions;

8. *Urges* all States to take necessary measures to ensure the safety and security of humanitarian personnel and United Nations and its associated personnel;

9. *Reaffirms* the leading role of civilian organizations in implementing humanitarian assistance, particularly in areas affected by conflicts, affirms the need, in situations where military capacity and assets are used to support the implementation of humanitarian assistance, for their use to be in conformity with international humanitarian law and humanitarian principles, and in this regard takes note of the 2003 "Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies",[3] as well as of the 1994 "Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief";[4]

10. *Calls upon* all Governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations, in countries in which humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel as well as supplies and equipment in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons;

11. *Encourages* Member States with internally displaced persons to develop or strengthen, as appropriate, national laws, policies and minimum standards on internal displacement, inter alia, taking into account the Guiding Principles on Internal Displacement,[5] and to continue to work with humanitarian agencies in endeavours to provide a more predictable response to the needs of internally displaced persons, and in this regard calls for international support, upon request, to capacity-building efforts of Governments;

12. *Reaffirms* the obligation of all States and parties to an armed conflict to protect civilians in armed conflicts in accordance with international humanitarian law, and invites States to promote a culture of protection, taking into account the particular needs of women, children, older persons and persons with disabilities;

13. *Welcomes* the continued efforts to address the issue of sexual exploitation and sexual abuse in the context of humanitarian crises, and notes with interest the bulletin of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse;[6]

14. *Encourages* the donor community to improve its response to humanitarian emergencies through policies and practices of good donorship, together with mechanisms for their review, and welcomes steps taken in this direction;

15. *Calls upon* relevant United Nations organizations to improve and increase consistency in the way in which humanitarian needs are assessed;

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[3] See www.reliefweb.int/w/rwb.nsf.

[4] Department of Humanitarian Affairs, document DHA/94/95.

[5] E/CN.4/1998/53/Add.2, annex.

[6] ST/SGB/2003/13.

16. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session, through the Economic and Social Council at its substantive session of 2004, on progress made in strengthening the coordination of emergency humanitarian assistance of the United Nations, including the implementation of and follow-up to Economic and Social Council resolution 2003/5 of 15 July 2003.

75th plenary meeting
17 December 2003

Annex 4

Letter dated 6 November 2003 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (7 November 2003)
UN Doc. A/58/557

United Nations A/58/557

General Assembly

Distr.: General
7 November 2003

Original: English

Fifty-eighth session
Agenda item 83
United Nations Relief and Works Agency for Palestine Refugees in the Near East

Letter dated 6 November 2003 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

Enclosed is a copy of the response of the Government of Israel to the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 2002 to 30 June 2003 (A/58/13) (see annex).

I should be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the fifty-eighth session of the General Assembly under agenda item 83.

(*Signed*) Dan **Gillerman**
Permanent Representative

03-60295 (E) 131103

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Annex to the letter dated 6 November 2003 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

Response of the Government of Israel to the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 2002 to 30 June 2003[1]

1. Israel has examined with interest the most recent report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to the General Assembly for the last mandate year (July 2002-June 2003). Unfortunately, as has been the case in previous years and as was detailed extensively in Israel's response to last year's report (A/C.4/57/4, annex), little has changed in the Agency's lack of appreciation for the overall situation in the area and, specifically, for security constraints facing Israel. Indeed, any changes which have been seen in the Agency's position in regard to those security constraints have, ironically, been changes for the worse.

2. Israel appreciates and reaffirms its support for the humanitarian work being carried out by UNRWA, other international organizations and many non-governmental organizations. Israel continues to facilitate, to the best of its ability, the carrying out of the mandate of these organizations, including UNRWA, despite the unprecedented wave of terrorism and violence initiated by the Palestinian side. There is, however, little recognition by UNRWA in its report that the conditions under which it operates have been, and continue to be, determined by the continuing violence in the region. This violence necessitates self-defence actions, including military operations, in order to offer protection for innocent civilians from such heinous acts.

3. The dialogue of cooperation and interaction between UNRWA and Israel has, however, remained unaltered and in many ways enhanced since the outbreak of the current violence in September 2000. This dialogue is conducted through contacts on all levels, aimed at facilitating the efforts of UNRWA to fulfil its mandate. It is clear that in the extraordinary circumstances prevailing in the region, differences of opinion have arisen and will continue to arise in this ongoing dialogue. However, Israel's commitment to finding pragmatic and direct solutions to problems arising in the field remains strong and should continue to be the only basis of such cooperation in discussing the obligation to cooperate and facilitate UNRWA activities. Israel's experience with other organizations and agencies in the area has shown that an excellent cooperative relationship is possible and it is regrettable that UNRWA does not exploit this option fully.

4. The report extensively details the difficulties and impediments encountered owing to disagreements on the "scope or application of the consideration of military security to which this obligation has been subject". However, nowhere within the report does UNRWA acknowledge Israel's security constraints in the West Bank and Gaza and its need, on the basis of military necessity, to protect its citizens against a concerted policy of terror. Paragraph 4 of the report states that "[s]uicide bombings inside Israel continued, causing heavy loss of life". This is the only mention made of Israel's security dilemma as expressed in the conditions on the ground and decidedly

fails to capture the full scope of the situation in Israel, the West Bank and the Gaza Strip. Indeed, suicide bombings, which constitute a crime against humanity and are contrary to basic norms of international law and fundamental human values, have accounted for 411 of the nearly 900 Israeli fatalities since September 2000. They do not, however, encompass the entire range of lethal means instigated by Palestinian terrorists in an effort to kill and wound Israeli civilians and Israel Defense Forces (IDF) personnel.

5. Faced with this reality, the State of Israel is obliged to realize its right and duty to act in self-defence and to utilize the requisite military measures in accordance with the laws of armed conflict. Furthermore, United Nations resolutions, especially Security Council resolution 1373 (2001), specifically obligate States to combat terrorism wherever it may be found. The report, surprisingly, fails to mention the obligatory nature of Israel's defensive measures.

6. The recognition of this necessity is embodied in the 1967 Comay-Michelmore Exchange of Letters between the Government of the State of Israel and UNRWA:

> "… [T]he Israel Government will facilitate the task of UNRWA to the best of its ability, subject only to regulations or arrangements which may be necessitated by considerations of military security."

This basic recognition by UNRWA of the security needs of Israel is, regrettably, not endorsed in the current report.

7. Bearing in mind these general remarks, Israel offers the following comments regarding several specific issues raised in the report.

8. At the outset, Israel wishes to express its deep concern over the admission, in paragraph 179 of the report, that UNRWA — a United Nations agency — submits, as a matter of standard procedure, importation documents to the offices of the Syrian governmental agency which serves as the "Boycott Office". This official body inspects imports for compliance with the Arab boycott against Israel, a clear violation of Article 100 of the Charter of the United Nations as well as the basic tenets of the World Trade Organization and international law. This complicity by a United Nations agency with the illegal boycott by a Member State is inconsistent with the principle of neutrality as well as a contravention of the principle of the sovereign equality of States, as embodied in the Charter of the United Nations and other basic norms of international law. The statement that UNRWA "should not be subjected to this requirement" is a gross understatement of the gravity of the matter. The United Nations cannot permit this situation to continue and anything less than a clear and aggressive opposition to this illegal policy should be unacceptable. Even more disturbing is the fact that Israel pointed out this situation last year, in its response to the last UNRWA report and in the Fourth Committee of the General Assembly, yet no steps have been taken to rectify the situation.

Politicization of UNRWA senior staff

9. In the current reporting period, there has been a disturbing trend of the publication of politically oriented articles in the international press by the Commissioner-General of UNRWA. It should be unacceptable that a senior official of the United Nations, tasked with performing a humanitarian function, express opinions which "take the side" of one party or another to the conflict. The Commissioner-General's articles in the *International Herald Tribune* on 23 June

2003, where he details “horrors” caused by Israeli policies without indicating the underlying reasons that necessitated the Israeli reaction to terror, or his statement in the *Svenska Dagdbladet* of 11 May 2003, stating that UNRWA “represents the inner dream of the Palestinians to return to the house and the village where the family has lived for hundreds of years”, are merely two examples of this politicization.

10. Beyond undermining the structures established by the United Nations for the expression of opinions on specific situations, such articles in the press actually undermine the Organization’s own credibility and standing. Such articles present contentious subjects in a clearly partisan and selective manner, which falls short of any accepted standard of impartiality and objectivity. While these articles seem intended to assist UNRWA in raising funds, fund-raising considerations should never justify sacrificing credibility and objectivity.

Terror and UNRWA

11. UNRWA is active in all the refugee camps in the Palestinian-controlled areas, in the spheres of education, health and welfare. The Agency employs 22,000 workers, most of whom are Palestinian residents in the West Bank and Gaza. Terrorist organizations use and exploit UNRWA installations as hideouts and places of refuge. While Israel recognizes that UNRWA is not responsible for security in refugee camps, it does expect the organization to draw greater attention to the violent actions taking place there. These actions by armed elements clearly endanger the Palestinians, including children in schools and patients in hospitals. Some local members of Agency staff have assisted or closed their eyes to terrorists seeking refuge at these sites and, in doing so, endanger those depending upon genuine UNRWA services and assistance, while abusing their positions to the detriment of the needy population.

12. Despite the clear responsibility of the Palestinian leadership to combat terrorism and violence, no such action has taken place. In such an environment, Israel has had no choice left but to act to protect its citizens. One such action, necessitated by these circumstances, was the entry of IDF personnel on a number of occasions into Palestinian-controlled areas to arrest known terrorists in the areas of Ramallah and Qalqilya. Fugitives were found hiding in UNRWA schools and clinics. Moreover, many of the youth centres operated by UNRWA in the refugee camps have been used as meeting places by terrorists. For example, an UNRWA youth centre in the Jebalia refugee camp has been used as a meeting place of Fatah Tanzim members. An official office of the Tanzim organization was opened in the Al-Aroub refugee camp, near Hebron, in a building belonging to UNRWA. Following the deaths of Fatah Tanzim terror activists, the Fatah has developed a tradition of holding memorial meetings in the UNRWA club, which is located in the Al-Ascar refugee camp in Nablus. They bring the body of the deceased to the club and hold a rally in his honour.

13. UNRWA has, unfortunately, turned a blind eye to Palestinian terrorist activity occurring in its vicinity in contravention of the principles established in Security Council resolution 1373 (2001). Similar principles regarding actions of United Nations organizations acting within refugee camps were detailed in Security Council resolution 1296 (2000). While the latter resolution dealt specifically with camps in Africa, the clear intent of the resolution was for representatives of the United

Nations to report and act against such armed elements who endanger the lives of the refugees living within the camps.

14. UNRWA facilities have been used for terrorist training and armed operations. Privileges granted to UNRWA workers, such as VIP documents to facilitate movement through checkpoints and the reputation and immunities of UNRWA vehicles have been exploited for the purposes of carrying out terrorist attacks. A number of UNRWA employees were arrested and indicted by Israel for allegedly abusing such United Nations property and privileges for terrorism. These threats receive little or no mention in the current report. Annex I details a number of situations in which UNRWA installations and property have been used for terrorist purposes.

15. In elections held by the UNRWA Area Staff Association during June 2003, candidates representing the Hamas terrorist organization won 23 of the 27 seats. It is inconceivable that an organization unifying the United Nations employees be allowed by the United Nations to openly identify as a terrorist organization.

16. Israeli security personnel have encountered several incidents during the past two years in which Palestinian terrorists have used ambulances bearing international protective symbols, such as the Red Crescent, in an attempt to smuggle weapons, munitions and armed militants, including suicide bombers. These gross violations of basic norms of international humanitarian law oblige IDF forces to conduct inspections of ambulances and United Nations and diplomatic vehicles. Last week's heinous terrorist attack in Baghdad upon the headquarters of the International Committee of the Red Cross (ICRC) by a Red Crescent ambulance loaded with explosives highlights this concern. This situation has been conveyed to UNRWA on several occasions, however a very limited willingness to understand these concerns exists.

17. Particularly serious is the case of Nidal Abd El Fatah Abdallah Nazal, a Hamas activist from Qalqilya, who worked as an UNRWA ambulance driver before being arrested by Israel. Mr. Nazal stated that he used the ambulance to ferry arms to terrorists and exploited the freedom of movement he enjoyed as an UNRWA ambulance driver to pass on messages between the Hamas operatives of various towns.

18. Nahed Rashid Ahmad Attallah, an UNRWA employee in Gaza, was responsible for the distribution of assistance to refugees. Mr. Attallah admitted that he maintains ties with the Popular Front for the Liberation of Palestine (PFLP), the Popular Resistance and Fatah in Gaza. Mr. Attallah disclosed that between 1990 and 1993, in the course of his work with UNRWA, he served these terrorist organizations, providing assistance to families of wanted terrorists. Mr. Attallah also disclosed that during the months of June and July 2002, he used his UNRWA vehicle to transport armed operatives of the Popular Resistance who were travelling to carry out a shooting attack against IDF at the Karni terminal and a rocket attack against settlements in northern Gaza. On another occasion, Mr. Attallah used the official UNRWA car to transport an explosive charge weighing 12 kilograms to Amer Karmout, another operative of the Popular Resistance. Mr. Attallah admitted that **he used the UNRWA vehicle to transport the terrorists, because IDF does not search United Nations vehicles and that he would therefore be able to travel freely on the roads**. Israel has taken measures to ease the humanitarian situation, in

an effort to protect human rights, yet terrorist operatives and organizations wantonly exploit the humanitarian policy to carry out attacks, as shown above.

19. UNRWA workers have been personally implicated in terrorist activity. Over the last two years, a number of UNRWA employees have been indicted — and a number convicted — of terrorism. It is therefore apparent that Agency infrastructure, vehicles and resources have been abused for terrorist purposes.

20. It is difficult to comprehend why, as part of its declared policy, UNRWA does not vet candidates or check their background, in coordination with the Israeli or other authorities, prior to their employment in the Agency, in contrast with the practices of other international governmental organizations. This policy enables workers to exploit their workplace for terrorist purposes, threatening Palestinians and Israelis alike, under the guise of international humanitarian activity.

Specific comments regarding the report

21. Beyond these general comments, attention should be drawn to a number of specific sections of the report. It should be noted, however, that a large number of the difficulties raised in the report (such as those in paragraphs 9 through 11) derive from the basic lack of consideration for Israeli security concerns, as mentioned at the beginning of this response.

(a) *Paragraph 12*. Israel finds it disturbing that the report ignores significant efforts made towards enhancing coordination in the reporting period, especially the implementation of a system of liaison officers in the West Bank whose specific function is to facilitate the activities of humanitarian organizations. These liaison officers — one in each of the districts in the West Bank — were instituted as a direct result of the lessons learned concerning coordination of humanitarian assistance since the outbreak of violence in September 2000. Their sole function, around the clock, is to facilitate the work of humanitarian organizations providing assistance to the civilian population;

(b) *Paragraph 139* speaks of only one employee indicted in the reporting period. As evidenced in the annex, this is incorrect;

(c) *Paragraphs 140-142*. UNRWA complains that it is not given notice of the arrest or detention of its employees. This is accurate. Nevertheless, it must be noted:

(i) Not every UNRWA employee makes his or her connection to the Agency known at the time of arrest, so the fact is not always known by the authorities;

(ii) Israel is under no obligation to notify an employer concerning the arrest of employees. Israel does, however, notify ICRC as to arrested individuals, as required by its agreement with ICRC, and prisoners are permitted visits by their attorney and family members;

(d) *Paragraphs 144-149* give the impression that the security measures taken by Israel have in some way been implemented as a measure against UNRWA. There is no recognition that these are general measures necessitated by the security situation on the ground. Indeed, wherever possible, UNRWA staff, vehicles and property enjoy far-ranging privileges which constitute a considered departure from Israeli security policy in order to make every effort to facilitate the activities of UNRWA;

(e) *Paragraph 162*. Israel finds the use of the term “unauthorized or improper purposes”, describing the abuse of UNRWA installations, as misleading. Terror should be labelled as terror;

(f) *Paragraphs 163-168*. The circumstances or background of terrorism or violence which led to Israeli responses are significantly absent from these paragraphs. Israel has implemented strict procedures to insure the immunity of United Nations installations and authorization at the highest level is required before a military unit may act in such areas. Similarly, procedures for use of live fire in the direction of such installations are well established. It would be appropriate for UNRWA to offer the full context of incidents in order to understand the cause and effect of Palestinian terrorism;

(g) *Paragraph 179*. Despite significant contacts over the last few years, UNRWA has not complied with Israeli legislation in regard to automobile insurance. This legislation is not a “restrictive procedure”, rather it is civil law meant to protect citizens travelling on roads in Israel. It is unclear why UNRWA alone among international organizations in the area is unable to comply with this public interest legislation. Furthermore, the juxtaposition of this failure on the part of UNRWA, together with the matter of the Arab boycott in Syria, is clearly inappropriate.

Summary

22. Israeli officials, from the ministerial level down, have been continuously available to meet and coordinate matters with UNRWA officials regarding both general and practical issues arising out of UNRWA operations. For example, Israeli coordination officials continuously facilitate the movements of patients in need of urgent or chronic medical treatment to hospitals in the West Bank and Gaza Strip and in Israel, the movement of medical personnel and ambulances and the replenishing of vital medical equipment and supplies. Israel remains committed to such coordination even in times of increased security alert and widespread military activity, which can impose great difficulties on such coordination efforts.

23. Israel remains fully committed to its obligations to facilitate the humanitarian activities of UNRWA and will continue to explore pragmatic solutions to facilitate such activity. Israel remains hopeful that UNRWA will seek ways to operate within the terms of its mandate so as to continue its humanitarian mission, with due regard and sensitivity to the difficult security situation on the ground. The Government of the State of Israel welcomes the humanitarian assistance granted by UNRWA to the Palestinian population in the West Bank and the Gaza Strip and expects due consideration on the part of the Agency of Israel’s security constraints.

UNRWA employees involved in violence and terror

At least 16 Palestinian employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East are currently in custody. Of this group, there are some who have been convicted and others who are under indictment. The alleged crimes include involvement in a variety of serious security-related crimes, including membership in terrorist organizations, armed attacks against Israeli targets, possession of illegal firearms and transfer of weapons and chemicals for the manufacture of bombs. One of the indictments alleges the use of UNRWA documentation and vehicles in carrying out the crimes. The following are details regarding six of the central cases which have been decided or are currently in legal process. As already noted, there are additional Palestinian employees of UNRWA in custody.

(a) *Halad Salama Muhamad Gondi* (ID Number 945575868). Convicted by the Military Court in Bet El (File 41922/01) for possession of explosives, carrying out a shooting attack aimed at a public bus and throwing Molotov cocktails at a public bus. On 27 May 2003, was sentenced to 7.5 years in prison;

(b) *Jamal Muhamad Ali Shehada*, also known as "Abu Jihad" (ID Number 934980640). Convicted by the Military Court in Judea (File 1154/02) for membership in the Palestinian Islamic Jihad terrorist organization and possession of materials used for explosives. Held senior position in the organization as a member of the governing board in Bethlehem. On 11 August 2003 sentenced to 2.5 years in prison. Note: the court noted that in determining the relatively light sentence, it gave significant weight to the fact that Mr. Shehada's health is in serious condition and that he is suffering from cancer;

(c) *Amar Muhamad Ata Ata'iya* (ID Number 91345819). Currently under indictment at the Military Court in Bet El (File 855/02) for membership in the armed wing of the Palestinian Islamic Jihad terrorist organization and possession of arms, military exercises without a permit and conspiracy to plant explosives;

(d) *Iyad Elias Hasin Raviya* (ID Number 901413476). Currently under indictment at the Military Court in Bet El (File 870/02) for membership in the Hamas terrorist organization and its student wing, "El-cultla el-Islamia", carrying out operations on behalf of Hamas and holding an official position in "El-cultla el-Islamia";

(e) *Muhamad Halil Jemaya Atoya* (ID Number 902922707). Currently under indictment at the Military Court in Judea for membership in the armed wing of the Hamas terrorist organization, possession of a firearm and assisting in the transfer of chemicals which are used to make weapons to a known bomb maker;

(f) *Nahed Attallah*. A senior UNRWA employee currently under indictment at the Military Court in Erez for membership in the Popular Front for the Liberation of Palestine (PFLP) terrorist organization, conspiracy for the transfer of military materiel, abetting attempted homicide, committing acts on behalf of an illegal organization (PFLP) and possession of firearms. It is alleged that these acts were carried out while using identification issued by UNRWA and UNRWA vehicles.

Notes

[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 13* (A/58/13).

Annex 5

Letter dated 7 November 2005 from the Permanent Representative of Israel to the United Nations addressed to the Chairman of the Special Political and Decolonization Committee (Fourth Committee) (8 November 2005) UN Doc. A/C.4/60/6

United Nations A/C.4/60/6

General Assembly

Distr.: General
8 November 2005

Original: English

Sixtieth session
Special Political and Decolonization Committee (Fourth Committee)
Agenda item 30
United Nations Relief and Works Agency for Palestine Refugees in the Near East

Letter dated 7 November 2005 from the Permanent Representative of Israel to the United Nations addressed to the Chairman of the Special Political and Decolonization Committee (Fourth Committee)

Enclosed please find Israel's response to the report submitted by Karen Koning AbuZayd, Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which Israel views with concern (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Fourth Committee, under agenda item 30.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative

05-59327 (E) 091105
0559327

Annex to the letter dated 7 November 2005 from the Permanent Representative of Israel to the United Nations addressed to the Chairman of the Special Political and Decolonization Committee (Fourth Committee)

Response of the Government of Israel to the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 2004 to 30 June 2005

At the outset, Israel offers its warmest wishes to the newly appointed Commissioner-General, Karen Koning AbuZayd, and is looking forward in keen anticipation to an improved dialogue and working relationship with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

Israel has closely studied the report of the Commissioner-General to the General Assembly for the period from 1 July 2004 to 30 June 2005 (A/60/13) and would like to present the following comments.

Israel appreciates and reaffirms its support for the humanitarian work being carried out by UNRWA, other international organizations and many non-governmental organizations. Israel is very aware of the difficulties faced by UNRWA in the implementation of its necessary and important humanitarian work. However, in the report there is little understanding expressed as to the genuine and legitimate security needs of Israel faced with ongoing Palestinian terror. Moreover the report gives scant recognition to the day-to-day facilitation and assistance to UNRWA activities during the most adverse of circumstances.

Such facilitation is not limited to seeking solutions to existing problems on the ground but also aims at addressing potential future difficulties with a view to finding solutions, through full and transparent cooperation with relevant international organizations, including UNRWA. During the reporting period, as Israel's disengagement from Gaza and areas in the West Bank was in its preparatory phase, Israeli civilian and military authorities established coordinated working mechanisms with senior representatives of the international community including humanitarian aid agencies and donor project implementers. These mechanisms established modalities for operational preparedness and coordination to enable the necessary steps to be taken to maximize and maintain the capabilities of the parties during the implementation of the disengagement. Indeed these joint mechanisms proved to be most successful during the disengagement when, despite the operation being of unprecedented complexity and scale, no special humanitarian problems were reported.

Unfortunately, the report describes at great length and detail obstacles to its operations, allegedly caused by Israel, but fails to present the overall operational security context and thus presents a distorted picture of the actual reality on the ground. In fact, Israeli authorities successfully enabled the operational continuity of UNRWA operations in the field, both during times of routine and in periods of heightened operational activities. Israel took such measures despite the deliberate targeting of humanitarian infrastructure and passages by Palestinian terrorists,

turning them into war-zones. A particular example of this is the terrorist attack in January 2005 at the Karni crossing, the main passage for humanitarian and commercial activity of the Gaza Strip, in which six Israeli civilians were killed. Despite the fact that Palestinian terrorists continued to target such facilities, Israeli authorities were able to resume operations at Karni expeditiously. It seems that the report is more interested in focusing on administrative and technical constraints without giving due appreciation to very real and imminent security dilemmas faced by Israel.

The report details Israeli military activities that impinge on UNRWA in a way that gives the impression that such activities were carried out arbitrarily rather than in response to Palestinian terror. An example is the reference to damage by the Israel Defense Forces (IDF) to a Jabalia school on 30 September 2004. The report mentions heavy fighting but fails to mention that on the said date Palestinians launched a rocket-propelled grenade from within the Jabalia school at IDF forces. Nor is this flagrant incursion into an UNRWA installation mentioned in the section of the report that deals with armed interference by Palestinian authorities. Israel regrets the abuse of UNRWA installations by Palestinian terrorist groups and expects that UNRWA will take all possible steps to ensure such abuse is not repeated.

Mentions are made in the report of delays at checkpoints yet it also makes no reference to the security issues that necessitate checkpoints as part of Israel's fight against terrorism in general and against suicide bombers in particular. One example that illustrates the problems Israel faces is the incident on 21 June 2005, in which a Palestinian woman, wearing an explosive belt she attempted to detonate, was apprehended at the Erez checkpoint, the main passage for Palestinians and international personnel between Gaza and Israel. The woman later admitted her intention to carry out a suicide attack in an Israeli hospital utilizing a permit granted to her to enter Israel to receive medical treatment.

Israel welcomes the promotion of tolerance and conflict resolution training in UNRWA schools and trusts that such programmes will demonstrate the overriding importance of solving the Israel-Palestinian conflict through peaceful means and the rejection of terror that is so widespread among significant portions of the Palestinian population. This is of particular importance in the post-disengagement period, which affords a unique opportunity to solve peacefully all outstanding issues between Israel and the Palestinians.

Israeli officials, from the senior level downward, have been continuously available to meet and coordinate matters with UNRWA officials regarding both general and practical issues arising out of UNRWA operations. For example, Israeli coordination officials continuously facilitate the movements of patients in need of urgent or chronic medical treatment to hospitals in the West Bank and Gaza Strip and in Israel, the movement of medical personnel and ambulances, and the replenishing of vital medical equipment and supplies. Israel remains committed to such coordination even in times of increased security alert and widespread military activity, which can impose great difficulties on such coordination efforts.

Summary

Israel remains fully committed to its obligations to facilitate the humanitarian activities of UNRWA and will continue to assist in solving any difficulties in order to facilitate the work of UNRWA. Israel remains hopeful that UNRWA will seek ways to operate within the terms of its mandate and continue its humanitarian mission with due regard and sensitivity to the difficult security situation on the ground. The Government of Israel welcomes the humanitarian assistance granted by UNRWA and expects due consideration on the part of the Agency for Israel's security constraints.

Annex 6

Letter from the Ministry of Foreign Affairs of Israel to the Commissioner-General of UNRWA, 2 February 2010

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM

משרד החוץ
ירושלים

The Ministry of Foreign Affairs presents its compliments to the Commissioner-General of the United Nations Relief and Works Agency and is regretfully compelled to issue a grievance against the spokesperson of the United Nations Relief and Works Agency, Mr. Chris Gunness, for recent media statements which may constitute violations of both the obligations and spirit of UN regulations and the interest of cooperation that is so vital to relations between the United Nations and Member States.

Valuing the humanitarian work of the United Nations Relief and Works Agency, Israel has traditionally endeavored to work with the Agency in a constructive and professional manner, despite the inherent tension arising from its unique mandate.

Given this constructive approach, Israel was troubled by a recent interview broadcast by CNN on 6 January 2010, in which Mr. Gunness made several incorrect and inappropriate assertions. Such assertions call into question Mr. Gunness' commitment to the principles of "integrity, independence and impartiality" which are expected of a UN official.

Mr. Gunness' comments included the following:

> *"Gaza homes were either completely destroyed or damaged. And yet, we in the United Nations, have been able to do no rebuilding whatsoever."*
>
> *"[...] at the moment what they need most is building materials and that's what the Israelis are absolutely and categorically refusing to allow in."*

Additionally, the CNN interview included repeated use of emotive and inappropriate terminology. Such terms as "*quite simply disastrous*", "*devastated*", "*bombed back to the mud age*", "*astonishing air bombardment*", "*disgrace*" and "*cruel blockade*", evoke a decidedly partisan impression which is inconsistent with the requisite impartiality by which UN officials are bound.

The claim that the United Nations has been "able to do no rebuilding whatsoever" is untrue, as is the claim that "the Israelis are absolutely and categorically refusing to allow" building materials into Gaza.

The above statements are at variance with readily available information, including statements by the Office of the Secretary General of the United Nations. In this regard, the Ministry of Foreign Affairs calls the attention of the Commissioner-General to the comments of the Spokesperson for the Secretary General from 24 December 2009, which stated: "The Secretary General is pleased that Israel has responded to UN requests to allow glass into Gaza for the repair of homes damaged during last year's hostilities."

As you are aware, in recent months Israel has actively facilitated a significant number of reconstruction projects in Gaza involving infrastructure and construction, both with the United Nations and with other major international partners. These projects include

completion of two desalination facilities for UNICEF, approval for the Sheikh Al-Ajlin Wastewater Treatment Plant (south of Gaza City) financed by the German Government, transfer into Gaza of construction materials for the North Gaza Wastewater Treatment Plant, which is financed by the World Bank, and transfer into Gaza of materials for the rehabilitation of the Khan Yunis Wastewater Treatment Plant, a project of the International Committee of the Red Cross.

Moreover, in discussions between the technical teams of Israel and the United Nations in recent months regarding various projects in Gaza, Israel proposed to advance several infrastructural projects to be implemented by UNRWA, including a sewage main pipe in Khan Yunis, and the completion of the establishment of a clinic in Khan Yunis, as well as repairs on housing units in preparation for winter. With regard to the latter, many hundreds of tons of glass have already entered Gaza from Israel and continue to be conveyed. As noted above, the Secretary General has positively noted this development.

In the context of these and other projects, more than 3000 tons of construction materials, including gravel, aluminum, iron, cement and glass, have been transferred into Gaza from Israel between May 2009 and January 2010.

Regrettably, Mr. Gunness' statements come in the wake of repeated instances on the part of senior UNRWA officials, of inflammatory rhetoric reflecting an anti-Israel bias, establishing a clear and sustained pattern. Israel's repeated appeals to UNRWA in this regard, over the course of many months, and indeed years, have been to no avail. Such rhetoric has caused significant harm to the image of the State of Israel and severely impairs the impartiality of UNRWA. The systematic and enduring politicization of UNRWA, which the State of Israel has repeatedly protested, undermines the Agency's humanitarian role.

Such statements contradict the United Nations regulations pertaining to the conduct of its staff. Regulation 1.2(b) of the *Staff Regulations of the United Nations and Provisional Staff Rules* (Secretary General's Bulletin, 16 June 2009) stipulates that: "Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status." (ST/SGB/2009/7, p. 3)

Moreover, Regulation 1.2(f) stipulates that:

"While staff members' personal views and convictions, including their political and religious convictions, remain inviolable, staff members shall ensure that those views and convictions do not adversely affect their official duties or the interests of the United Nations. 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." (ST/SGB/2009/7, p.3)

Pursuant to the above, the Ministry of Foreign Affairs has the honor to attach to this Note, a transcript of Mr. Gunness' interview to CNN on 6 January 2010, as well as a summary of construction materials that have entered Gaza from Israel between May 2009 and January 2010.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Commissioner-General of the United Nations Relief and Works Agency the assurances of its highest consideration.

Jerusalem, 2 February 2010

Cc: Mr. Robert Serry
United Nations Special Coordinator for the Middle East Peace Process

Ambassador Daniel Carmon
Deputy Permanent Representative
Permanent Mission of Israel to the United Nations

Mr. Dan Arbell
Minister, Deputy Head of Mission
Embassy of Israel, Washington, D.C.

Annex 7

Letter from the Ministry of Foreign Affairs of Israel, to the Commissioner-General of UNRWA, 28 March 2012

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM

משרד החוץ
ירושלים

28.3.12

Mr. Filippo Grandi

Commissioner-General of UNRWA

Dear Sir,

Regrettably, I have to write to you again with great concern regarding the continuous conduct unbefitting an international civil servant of UNRWA's spokesperson, Mr. Chris Gunnes.

On March 25th, 2012 Mr. Gunnes made the following statement on his Twitter account:

> "The Quartet deprived Palestinians of the right to use even legitimate violence so we must empower them with all non violent means of change"

In an additional comment on Twitter Mr. Gunnes had clarified that he meant "violence to resist the occupation" which is "permitted under International Law".

Mr. Gunnes continues to act in a manner that contradicts United Nation's Staff Rules (Staff Regulations of the United Nations and provisional Staff Rules) (Secretary-General's Bulletin, 16 June 2009) Basic rights and obligations of staff (ST/SGB/2009/7; p. 3) that stipulates:

> (f) While staff members' personal views and convictions, including their political and religious convictions, remain inviolable, staff members shall ensure that those views and convictions do not adversely affect their official duties or the interests of the United Nations. 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;

His statement makes us wonder, what constitutes "legitimate violence" according to a UN official? What exactly are the contours of "violence to resist the occupation"? And, why would a UN official propagate the use of any kind of violence as means to resolve a conflict?

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Unfortunately, this controversial political statement made by Mr. Gunnes poses serious questions regarding his impartiality and reflects poorly on UNRWA. We do not consider these ventures into political grounds to be part of a legitimate advocacy role. They undermine the Agency's neutrality and harm its humanitarian mission. Does UNRWA wish to send a message to the Palestinian public that violence is legitimate and that the UN itself has deprived them of their right use it?

It is clear that Mr. Gunnes is aware of the inappropriateness of his Twitter conduct as he tries to mask it by mentioning that the views expressed are his own. Yet, Mr. Gunnes introduces himself as UNRWA's Spokesperson and focuses almost solely on Israeli-Palestinian issues. Moreover, he refers his followers to the official UNRWA website and asks them to contact him on his official UNRWA email address.

Furthermore, in repeated instances Mr. Gunness, through his Twitter account, disseminates inflammatory and biased retweets which may constitute violations of both the obligations and the spirit of the UN regulations and the interest of cooperation that is vital to the relationship between the United Nations and its Member States.

It should be noted that this is not the first time Mr. Gunness had taken on the role of a political commentator, well beyond his purview as a representative of UNRWA. Please refer to the official note sent to UNRWA by the Ministry of Foreign Affairs on February 2nd, 2010.

We feel that it is highly inappropriate for a UN official to seem to justify violence. The very raison d'être of the UN is the promotion of peaceful conflict resolution. In addition, it is important to stress that in this case a UN official is bluntly criticizing the decision and actions of the UN as an integral component of the International Quartet.

We request that UNRWA carry out an inquiry into whether Mr. Gunnes has transgressed the befitting conduct outlined by the UN staff rules. We expect to be informed of the results of this inquiry.
We also believe an official statement by the Commissioner regarding the UN position relating to Mr. Gunnes's statement is required.

Sincerely,

Eviatar Manor

Annex 8

United Nations General Assembly, *Palestine Refugees' Properties and their Revenues – Secretary-General Report* (14 August 2017)
UN Doc. A/72/334

United Nations A/72/334

General Assembly

Distr.: General
14 August 2017

Original: English

Seventy-second session
Item 53 of the provisional agenda*
United Nations Relief and Works Agency for Palestine Refugees in the Near East

Palestine refugees' properties and their revenues

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 71/94 on Palestine refugees' properties and their revenues. On 19 May 2017, the Secretary-General sent notes verbales to all Member States, drawing their attention to the relevant provisions contained in resolutions 71/91 to 71/94 and requesting information by 14 July 2017 concerning any action taken or envisaged in relation to their implementation. Replies were received from Israel and Mexico to the requests contained in paragraph 4 of resolution 71/91, paragraph 4 of resolution 71/92, paragraphs 12 to 30 of resolution 71/93 and paragraph 4 of resolution 71/94.

* A/72/150.

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Please recycle

I. Introduction

1. The present report is submitted pursuant to paragraph 6 of resolution 71/94 on Palestine refugees' properties and their revenues.

2. On 19 May 2017, the Secretary-General sent notes verbales to all Member States, including Israel, drawing their attention to the relevant provisions of resolutions 71/91 to 71/94 and requesting information by 14 July 2017 of any action taken or envisaged in relation to their implementation.

II. Replies received

Israel

[Original: English]
[26 July 2017]

The Permanent Mission of Israel to the United Nations has the honour to refer to his note concerning resolutions 71/91 to 71/94, adopted by the General Assembly on 6 December 2016, under the agenda item "United Nations Relief and Works Agency for Palestine Refugees in the Near East".

Israel decided, once again, to vote against these resolutions, owing to their apparent political motive and the fact that they represent a one-sided view which fails to reflect the reality on the ground.

Israel supports the humanitarian activities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), in line with its original and primary mandate of aiding the refugees and carrying out the direct relief and works programmes.

Nevertheless, Israel remains deeply concerned regarding the Agency's persistent use of humanitarian funding for the purpose of advocacy. Israel is troubled by the Agency's perpetuation of a one-sided narrative about the conflict in our region, with the refugees serving as the primary means of achieving this goal.

Instead of focusing on relief and humanitarian assistance, UNRWA chooses to promote a controversial political agenda. One example is the Agency's proactive campaigns supporting the so-called "right of return" for millions of Palestinians. The question of Palestinian refugees has not been agreed between Israel and the Palestinians and can be resolved only through direct bilateral negotiation between the parties. It is unacceptable for a United Nations agency to actively promote the agenda of one side of the conflict. The Agency's advocacy in this regard is inappropriate and undermines efforts to achieve a political solution.

Unfortunately, along with the Agency's use of humanitarian funding for the purpose of political campaigns, we have witnessed through the years many examples of misconduct by the Agency and its employees.

Recently, UNRWA personnel have even been found within the ranks of the internationally designated terrorist organization, Hamas. In February 2016, Israeli authorities revealed that the Chairman of the UNRWA Staff Union in the Gaza Strip and Principal of the UNRWA boys' elementary school for refugee children, Suhail al-Hindi, had been elected to the political bureau of Hamas. This is the same al-Hindi who was suspended in 2011 by UNRWA after meeting with Hamas leader Ismail Hania. His suspension lasted only three months, after which al-Hindi was allowed to return to his prior position. Likewise, Muhammad al-Jamasi, head of the

UNRWA engineering department, was also reportedly elected to the Hamas political bureau.

At first, UNRWA denied the allegations regarding its employees. Only after being confronted with irrefutable evidence of their terrorist connections did the Agency suspend al-Hindi and al-Jamasi, providing no further information on the circumstances of their dismissal. Moreover, only when publicly questioned about the incident by Israel's Mission to the United Nations did the UNRWA Commissioner-General, Pierre Krähenbühl, confirm al-Hindi's dismissal. Even then, the Commissioner-General attempted to minimize the offence, claiming that al-Hindi was dismissed because he "ran for an elected office".

These are just two recent examples of misconduct by UNRWA. The Agency's employees have often engaged in egregious acts, including calls to commit acts of violence against Israelis on social media.

Mexico

[Original: Spanish]
[13 July 2017]

The Permanent Mission of Mexico to the United Nations has the honour to refer to the communication of the Department of Political Affairs dated 19 May 2017, concerning the request for information on the implementation of resolutions 71/92 and 71/94 on the topic "Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East".

In that connection, the Permanent Mission has the honour to submit the following reply on the national measures taken to implement the said resolutions:

- Mexico recognizes the efforts of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to improve the living conditions and promote the human development of Palestinian refugees by providing education and health services.
- The Government of Mexico supports the efforts of UNRWA to meet the needs of the Palestinian refugee population. Accordingly, its annual voluntary contribution to the Agency amounted to $250,000 in both 2016 and 2017.

Annex 9

Identical letters dated 9 June 2017 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, (12 June 2017) UN Doc. S/2017/493

United Nations S/2017/493

Security Council

Distr.: General
12 June 2017

Original: English

Identical letters dated 9 June 2017 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I am writing to bring to your attention a matter of grave concern.

Today, it has been confirmed that the terrorist organization Hamas has built a terror tunnel beneath two adjacent United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) elementary schools in the Gaza Strip. The tunnel passes under the Maghazi Elementary Boys A&B School and the Maghazi Preparatory Boys School.

Israel views this information with the utmost seriousness. The discovery of this terror tunnel, operating directly under the classrooms of young children, is not an isolated incident, but rather the latest of deeply concerning attempts by Hamas terrorists to systematically exploit the organs of the United Nations. Such activities not only place the people of Israel and Gaza at risk, but are severely damaging to humanitarian efforts in Gaza.

This latest finding verifies once again that Hamas' cruelty knows no limits, including endangering centres of learning and education, and using children as human shields. This latest abuse is not only a flagrant misuse of United Nations premises and civilian infrastructure, but more importantly, is a direct threat to the safety and security of children.

Time and again, I have warned of Hamas' intentions to continue using civilian infrastructure in future conflict, having already seized materials for this purpose. While Israel seeks to cooperate with the international community to ease the entry of humanitarian aid and construction material into Gaza, Hamas has continuously impeded Gaza's reconstruction, and instead enhanced its terror infrastructure.

Despite the repeated efforts of my delegation, our reports of Hamas' military build-up and use of children in military campaigns have fallen on deaf ears. This time, the international community must not turn a blind eye towards such cynical exploitation.

I call on the Security Council to strongly and unequivocally condemn Hamas and its repeated misuse of civilian infrastructure and designate this group as a terrorist organization. It is of the utmost importance that the Council ensures that all United Nations-affiliated agencies, and especially UNRWA, remain neutral and safeguarded from abuse by terrorist organizations.

Please recycle

I should be grateful if you would have the present letter distributed as a document of the Security Council. I wish to inform you that an identical letter has been sent to Mr. António Guterres, Secretary-General of the United Nations.

(*Signed*) Danny **Danon**
Ambassador
Permanent Representative

Annex 10

Identical Letters dated 19 June 2017 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and to the President of the Security Council, (20 June 2017) UN Doc. S/2017/517

United Nations S/2017/517

Security Council

Distr.: General
20 June 2017

Original: English

Identical letters dated 19 June 2017 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I am writing to call to your attention the ongoing misconduct of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

The State of Israel remains concerned regarding the Agency's persistent use of humanitarian funding for the purpose of perpetuating a one-sided narrative about the conflict in our region.

Last month, to promote its fundraising campaign, UNRWA brazenly repurposed a 2014 image of a girl standing among the rubble of a recently bombed building in Qabr Essit, Syria, claiming that she was a young Palestinian from Gaza named Aya. After its fraudulent act was exposed, UNRWA removed the picture from its website but, adding insult to injury, refused to offer a real apology, instead blaming the post on a technical error.

This incident is just the latest symptom of the Agency's negligence and inability to remain neutral, which is consistently plaguing its conduct. The Agency has become notorious for its employees' often egregious acts, including bias and incitement against Israel in UNRWA classrooms and calls for violence on social media.

UNRWA personnel have even been found within the ranks of terrorist organizations. In February 2016, Israeli authorities revealed that the Chairman of the UNRWA Staff Union in the Gaza Strip and Principal of the UNRWA boys' elementary school for refugee children, Suhail al-Hindi, had been elected to the political bureau of Hamas, an internationally designated terror organization. Just last week, we learned that this same Hamas had dug terror tunnels under two UNRWA schools similar to that under al-Hindi's supervision.

Alarmingly, al-Hindi's affiliation with Hamas was not an isolated incident, but part of an established and ongoing trend. Muhammad al-Jamasi, presented in Palestinian media as head of the UNRWA engineering department, was also reportedly elected to the Hamas political bureau.

Only after being faced with incontrovertible evidence of his terrorist connection did UNRWA suspend al-Hindi, providing no further information on the circumstances of his termination. The UNRWA Commissioner-General confirmed al-Hindi's dismissal only when my delegation questioned him publicly about the incident. Even then, the UNRWA representative failed to mention al-Hindi's

Please recycle

involvement in a terrorist organization. UNRWA still has neither taken responsibility for its misconduct regarding al-Hindi nor provided any details about the Muhammad al-Jamasi case.

On 12 June 2017, the UNRWA Commissioner-General issued a statement assessing the situation in the Gaza Strip that omitted any mention of Hamas' decade-long control of the area and its detrimental impact on the humanitarian crisis in Gaza. Regrettably, the Commissioner-General has also failed to condemn Hamas' active obstruction of the work of humanitarian agencies on the ground, as well as its abuse of United Nations facilities and diversion of humanitarian aid for military purposes.

UNRWA is an organization with the power, not to mention the responsibility, to speak out against terror and educate the next generation of Palestinians towards peace and reconciliation. My delegation should not be held accountable for reminding UNRWA of its obligation to condemn the exploitation of United Nations agencies and humanitarian aid by terrorists. The Agency's silence in the face of these abuses is deafening.

It is high time that UNRWA stopped promoting a particular narrative and assumed responsibility for any misconduct by its staff and affiliates. It must fulfil its duty to provide a neutral and honest account that represents the real situation on the ground, rather than presenting facts in manners that serve the promotion of a subjective political narrative.

UNRWA, just as all United Nations agencies and bodies, must be held to the highest standards of transparency, accountability and neutrality.

I should be grateful if you would have the present letter distributed as a document of the Security Council.

(*Signed*) Danny **Danon**
Ambassador
Permanent Representative

Annex 11

United Nations General Assembly, *Palestine Refugees' Properties and their Revenues – Report of the Secretary-General,* (14 August 2018)
UN Doc. A/73/323

United Nations A/73/323

General Assembly

Distr.: General
14 August 2018

Original: English

Seventy-third session
Item 54 of the provisional agenda*
United Nations Relief and Works Agency for Palestine Refugees in the Near East

Palestine refugees' properties and their revenues

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 72/83. On 4 May 2018, the Secretary-General sent notes verbale to all Member States and the Permanent Observer of the State of Palestine, drawing their attention to the relevant provisions of resolutions 72/80, 72/81, 72/82 and 72/83 and requesting that they submit information by 5 July 2018 concerning any action they had taken or envisaged in relation to the implementation of those resolutions. In response to the requests contained in paragraph 4 of resolution 72/80, paragraph 4 of resolution 72/81, paragraphs 37 and 38 of resolution 72/82 and paragraph 4 of resolution 72/83, the Assembly received information from India, Israel, Japan, New Zealand, Portugal, Turkey, the United Arab Emirates and the State of Palestine. The full texts of the replies are reproduced in the present report.

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Israel

[Original: English]
[12 July 2018]

The Permanent Mission of Israel to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to his note concerning General Assembly resolutions 72/80, 72/81, 72/82 and 72/83 adopted by the Assembly on 7 December 2017, under the agenda item "United Nations Relief and Works Agency for Palestine Refugees in the Near East".

Israel decided, once again, to vote against those resolutions due to the political motivation that stands behind them and the fact that they represented a one-sided view which fails to reflect the reality on the ground.

I would like to emphasize the underlying position of Israel regarding UNRWA, as was envisaged by Prime Minister Netanyahu at the start of the Israeli Cabinet meeting on 7 January 2018: "UNRWA is an organization that perpetuates the Palestinian refugee problem. It also perpetuates the narrative of the right of return, as it were, in order to eliminate the State of Israel; therefore, UNRWA needs to pass from the world. This is an agency that was established 70 years ago, only for the Palestinian refugees, at a time when the Office of the United Nations High Commissioner for Refugees (UNHCR) deals with global refugee problems. Of course, this creates a situation in which there are great-grandchildren of refugees, who are not refugees but who are cared for by UNRWA, and another 70 years will pass and those great-grandchildren will have great-grandchildren and therefore, this absurdity needs to stop".

Furthermore, the Prime Minister presented the way forward: "UNRWA support funds need to be gradually shifted to UNHCR, with clear criteria for supporting genuine refugees, not fictitious refugees, as happens today under UNRWA. I have brought this position to the attention of the United States of America. This is how to rid the world of UNRWA and deal with genuine refugee problems, to the extent that such remain".

Prime Minister Netanyahu's remarks touch upon the fundamental issue of the Agency's definition of "refugee", which goes far beyond the accepted international definitions and criteria for refugees. Rather than narrowing the problem in order to solve it, the Agency's flexible definition has widened it, with refugee status now applying to the fourth generation of Palestinians, dramatically increasing the number of registered refugees from an estimated 700,000 back in 1949 (UNRWA claim) to more than 5,000,000.

By perpetuating Palestinian refugees' status, instead of finding durable solutions to eliminate their refugee status, UNRWA demonstrates that it is part of the problem and not part of the solution. Moreover, the perpetuation of their refugee status and the Palestinian "refugee" narrative amounts to support of only one solution: the return of 5 million Palestinians to Israeli territory, an objective Israel rejects categorically because it undermines the prospects to reach a peace agreement for the Israeli-Palestinian conflict and threatens the character of Israel as the world's only Jewish State.

Israel remains deeply concerned regarding the Agency's persistent and cynical use of humanitarian funding for the purpose of advocacy, which runs contrary to the efforts to achieve a political solution. It is unacceptable for a United Nations agency to actively support a biased narrative about the conflict in the region, while utilizing the refugee situation as the primary means of achieving this goal. UNRWA should stick to its original humanitarian mandate while refraining from one-sided politicized advocacy.

Another grave concern arose during the past year as UNRWA spokesperson Chris Gunness admitted, once again, in October 2017, that UNRWA had exposed a tunnel under one of its schools in Gaza. This was the second tunnel that UNRWA had discovered in a period of a couple of months. According to the announcement: "UNRWA robustly intervened with relevant parties to protest the violation of the sanctity and disrespect of the neutrality of United Nations premises. The presence of a tunnel underneath an UNRWA installation … is unacceptable. It places children and Agency staff at risk, and UNRWA demands full respect for the neutrality and inviolability of United Nations premises at all times".

The discovery of a second terror tunnel, operating directly under the classrooms of children, is not an isolated incident, but rather part of Hamas' systematic effort to exploit the organs of the United Nations. However, UNRWA deliberately chooses to omit any direct mention of Hamas' responsibility and of its common practice to misuse United Nations and civilian infrastructure. It is of utmost importance to ensure that all United Nations-affiliated agencies, and especially UNRWA, remain neutral and safeguarded from abuse by terrorist organizations.

Furthermore, in the past months, Israel has faced a series of provocative, premeditated mass confrontations along the security fence between Gaza Strip and Israel. The Palestinian leadership insisted that these demonstrations were peaceful. However, these riots have centred on violence and placed innocent people, both Israeli and Palestinian, in grave danger. Hamas terrorists, hiding behind women and children being exploited as human shields, have burned tires on the fence, thrown Molotov cocktails, planted explosive devices and even attempted to forcibly breach the fence and infiltrate Israeli territory. Twice, extremely violent Palestinian rioters penetrated the Palestinian side of the Kerem Shalom crossing, causing major damage to the fuel terminal and conveyer and thus harming the sole lifeline of the Gaza Strip. Not only that, but protesters keep sending on a daily basis flaming kites over the fence, spreading forest fires across the southern agricultural lands of Israel, threatening human lives, causing severe environmental damage and creating a heavy economic toll.

Despite the reality on the ground, we have seen time and time again UNRWA public statements and tweets exempting Hamas of its responsibility and lacking condemnation of the main role of Hamas in these events. Moreover, UNRWA policies only encourage Hamas to keep using civilians, including UNRWA students, for the sole purpose of inciting violence and thus distracting the world from Hamas' decade-long control of the Gaza Strip and its detrimental impact on the deteriorating humanitarian crisis in the area. As we have seen in the past months, especially regarding the riots events on the Gaza border, UNRWA public statements clearly indicate its growing leniency towards advocacy in the service of Hamas, rather than focusing on relief and humanitarian assistance in the best interest of the Palestinian people in Gaza. By doing so, UNRWA only exacerbates the unnecessary human suffering of innocent Palestinians in the Gaza Strip.

Despite the acute security threats, Israel is actively working to support reconstruction efforts in the Gaza Strip. The United Nations-backed Gaza Reconstruction Mechanism has enabled, since October 2014, the entrance of over 10.33 million tons of various types of construction materials into the Gaza Strip, of them 3.28 million tons during 2017 alone. As of December 2017, 127,187 damaged housing units had been renovated out of a total of 130,000. More than 19,262 new housing units are in advanced stages of construction, while hundreds are ready for occupancy. Hundreds of public projects, including schools, clinics, mosques and parks, have been completed or are near completion. Delays in reconstruction stem predominantly from the actions of Hamas and its conflict with the Palestinian Authority, including the latter's decision to keep suspending payments for salaries in Gaza, and a lack of international funding for the Gaza Reconstruction Mechanism. It is important to note

that Israel is committed to enabling the delivery of humanitarian assistance and continues to provide electrical power and water, as well as the entry of goods for the people of Gaza.

In conclusion, Israel would like to re-emphasize Prime Minister Netanyahu's stance vis-à-vis UNRWA, which calls for a gradual shifting of its support funds to UNHCR, while defining clear criteria as to who is a "genuine refugee" and who is a "fictitious refugee". However, until this vision is put into practice, UNRWA and its workers must keep high standards of impartiality, as expected from all United Nations employees. UNRWA must return to its original mandate as a relief and humanitarian agency, instead of distorting facts and presenting them in one-sided reports and statements that only heighten tensions between the parties.

Japan

[Original: English]
[30 June 2018]

The Permanent Representative of Japan to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to the latter's note verbale dated 4 May 2018, has the honour to inform him of the following actions taken by the Government of Japan in the implementation of the relevant provisions of General Assembly resolution 72/81, with regard to UNRWA.

Financial contribution

Description	*Amount*	*Disbursement date*
Supplementary budget	US$ 23 509 061	19 March
Core contribution	US$ 1 679 758	25 April
Food assistance	¥600 000 000 (US$ 5 357 143)	–
Emergency grant aid	US$ 10 000 000	19 June

Contribution to expand/diversify donor-base

Japan initiated the Conference on Cooperation among East Asian countries for Palestinian Development, which is a regional conference to discuss assistance to Palestine by utilizing the resources and experiences of economic development of East Asian countries.

The Senior Officials' Meeting and the Ministerial-level Meeting were organized in May and June 2018, respectively. In these meetings, individual sessions dedicated to UNRWA were set up in order for UNRWA to reach out to Asian countries and further expand/diversify its donor base.

New Zealand

[Original: English]
[21 May 2018]

The Permanent Mission of New Zealand to the United Nations presents its compliments to the Secretary-General and has the honour to refer to his letter dated 4 May 2018 concerning his reporting responsibility under paragraph 5 of General Assembly resolution 72/81 and paragraph 6 of Assembly resolution 72/83, under the agenda item "United Nations Relief and Works Agency for Palestine Refugees in the Near East".

Annex 12

‘Canada looking at UN agency over Palestinian connection’, *CBC news* (3 October 2004)

World

Canada looking at UN agency over Palestinian connection

CBC News · Posted: Oct 03, 2004 6:24 PM EDT | Last Updated: October 4, 2004

The federal government is promising to look into the possibility that a United Nations agency Canada backs is employing members of Hamas, a Palestinian group Canada has defined as terrorists.

- FROM NOV. 27, 2002: **More groups outlawed as terrorist organizations**

Israel said Sunday that the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) supports Hamas and demanded the UN investigate the agency and its head, Peter Hansen.

Hansen has "for years has expressed anti-Israeli, biased, unrestrained positions and statements," Dan Gillerman, Israel's UN ambassador, told Israel Radio.

Israel released a picture which it says shows a UN vehicle being used to move a rocket for the militants.

The UN said the picture showed a stretcher being loaded into an ambulance.

Hansen said he believes there are Hamas members on UNRWA's payroll, but they have to follow UN rules on remaining neutral.

"Oh I am sure that there are Hamas members on the UNRWA payroll and I don't see that as a crime. Hamas as a political organization does not mean that every member is a militant and we do not do political vetting and exclude people from one persuasion as against another," Hanson told CBC TV.

"We demand of our staff, whatever their political persuasion is, that they behave in accordance with UN standards and norms for neutrality," he said.

A spokesperson for the Department of Foreign Affairs said, "should Mr. Hansen's comment not be taken out of context and should it reflect UNRWA's position, we are deeply concerned, and will immediately seek clarification from Mr. Hansen directly and from UN authorities."

Canada supports UNWRA with $10 million a year.

Annex 13

Patrick Kingsley and Ronen Bergman, ‘U.N. Agency in Gaza Fought Hamas Infiltration; Not Hard Enough, Israel Says’, *The New York Times* (10 February 2024)

U.N. Agency in Gaza Fought Hamas Infiltration; Not Hard Enough, Israel Says

The main U.N. agency in Gaza said it has long investigated claims of links, firing several employees over the years. Israel says it is a compromised organization too weak to protect itself.

By Patrick Kingsley and Ronen Bergman

Patrick Kingsley and Ronen Bergman spoke to current and former UNRWA officials, interviewed the agency's head, and visited a tunnel underneath the agency's headquarters in Gaza.

Feb. 10, 2024

Want to stay updated on what's happening in Israel and the West Bank and Gaza Strip? Sign up for Your Places: Global Update, and we'll send our latest coverage to your inbox.

When the United Nations launched an investigation a decade ago into whether a handful of its employees in Gaza were members of Hamas, it was not long before a senior U.N. legal officer in the territory started receiving death threats.

First there were emails, sent from anonymous accounts, according to three senior U.N. officials based in Gaza at that time.

Then came a funeral bouquet, delivered to the main U.N. compound, labeled with the legal officer's name.

Finally there was a live grenade, sent to the compound with its pin still inside, according to two of the officials.

The U.N. evacuated the legal officer, a British lawyer and former military officer, hurrying him to Jerusalem, the three people said.

Previously unreported episodes like this one, from October 2014, form part of the back story to the current crisis embroiling UNRWA, the U.N. relief group in Gaza now sheltering more than half of the enclave's population.

A school affiliated with UNRWA in Khan Younis, southern Gaza, where Palestinians took refuge in October.
Samar Abu Elouf for The New York Times

Current and former UNRWA officials say that the agency has long taken seriously and investigated accusations of infiltration by Hamas, which seized power in Gaza in 2007. The agency has variously responded to tips from Israel, the United States and its own networks. It was the kind of challenge, they said, that all aid groups operating in hostile environments faced, not unique to UNRWA, which has worked in the enclave for decades.

Rather than addressing such issues in a systematic process, they dealt with them in a piecemeal way mostly in private, working with officials at the United Nations in New York. Over the years, several people who had proven Hamas links were fired or left the agency, including after the 2014 investigation, current and former officials said.

Israel has long made a broader accusation: UNRWA didn't go far enough to root out Hamas and was unwilling to clean up systematically. It has said UNRWA is a completely compromised organization that is too weak to protect against infiltration and needs to be replaced by a more neutral aid group.

Last month, Israel accused 12 UNRWA staff members of participating in the Hamas-led raid on Israel at the start of the war on Oct. 7 or in the raid's aftermath. It has also said that one in 10 UNRWA employees in Gaza are Hamas members.

These two claims — for which Israel provided some evidence to the United States, albeit not publicly — have led at least 19 foreign funders to suspend donations for the agency. The loss of funding has endangered UNRWA's existence when the majority of Gazans depend on the group for food and shelter.

UNRWA's leaders say the agency strives to ensure its 13,000 employees in Gaza uphold standards of neutrality, regularly training its staff to stay above politics and investigating those who do not. But they add that it is impossible for UNRWA — like any large organization that draws its staff from a cross-section of society — to track the private political allegiances of all its employees.

Last month, Israel accused 12 UNRWA staffers of participating in the Hamas-led raid on Israel at the start of the war on Oct. 7. Sergey Ponomarev for The New York Times

"What we want to make sure is that our staff does not have a public political function, because that would be completely incompatible with the function of a civil servant," Philippe Lazzarini, UNRWA's commissioner general, said in an interview with The New York Times on Friday.

But, Mr. Lazzarini added, "Our employees are part of the social fabric of Gaza and its ecosystem. And as part of the social fabric in Gaza, you have also Hamas."

While Mr. Lazzarini fired most of the 12 employees accused of connections to Oct. 7, he said he had not been able to personally investigate the claims, in part because of the dire situation inside Gaza, and that they had been fired without due process. A separate U.N. investigative unit based in New York is now looking into the accusations.

In Israel's view, UNRWA should have been far more proactive in protecting its neutrality. Israelis have often said the group has done too little to stop Hamas from building military infrastructure close to its facilities, or even from using those facilities to store munitions.

To bolster that argument, the Israeli military this week led a group of international journalists, including two for The Times, to one of the many tunnels dug by Hamas underneath Gaza to house its military infrastructure.

Roughly 20 yards beneath an upscale neighborhood of Gaza City, the tunnel ran in a southeasterly direction from under an UNRWA-run school. After passing under a major road, the tunnel eventually led to a subterranean communications hub, full of servers and computer hardware, that lay directly beneath UNRWA's sprawling headquarters in the territory.

The tour this week took journalists through an access point made by the Israeli military into a tunnel said to have been built by Hamas that ran beneath an UNRWA school. Sergey Ponomarev for The New York Times

The journalists entered the tunnel through openings that had been created by the Israeli military since its invasion began in late October; before Israel captured the territory, neither the school nor the headquarters contained shafts that provided access from UNRWA facilities to the tunnel.

The Israeli military said that the tunnel was close enough to the surface that UNRWA workers should have been able to hear its construction. They also pointed to wires that led into the ground from a room inside the UNRWA compound, which they said led directly to Hamas's subterranean communications hub.

"You have to be very naïve to think that the UNRWA personnel did not know what was happening under their feet," not least because the construction and maintenance of the tunnel would have required aboveground assistance, said Maj. Nir Dinar, a spokesman for the Israeli military who accompanied the journalists.

"But whether they knew, or whether they didn't know, it is also important to say that UNRWA, like the population in Gaza, like all of us in fact, are victims of the terrorist organization Hamas," said Major Dinar.

The Times could not verify whether the wires, which led into the ground from a room on the lowest level of the compound, reached the subterranean servers. The tour of the tunnel was led by the military and The Times was not allowed to move freely in Gaza during the embed.

The tunnel eventually led to a communication hub that the Israeli military said was used by Hamas, directly beneath UNRWA's sprawling Gaza headquarters. Sergey Ponomarev for The New York Times

Mr. Lazzarini said Israel had not brought the claims about the tunnels to UNRWA's attention. He questioned how the agency could have been expected to know what was happening so deep beneath the ground, and noted that the tunnel network — hundreds of miles long — extended far beyond just the area beneath the UNRWA compound.

"I don't have the capacity, military expertise or technology — or even the mandate — to monitor what is underneath the city," Mr. Lazzarini said.

More generally, he said, UNRWA had little communication with Hamas leadership, adding that he had never met Yahya Sinwar, Hamas's leader in Gaza, or his deputy.

"In any humanitarian emergency, we will deal with any nonstate actor in control of a given population, otherwise you have no access to the population," said Mr. Lazzarini, who has worked for the U.N. and the International Committee for the Red Cross in at least a dozen countries and territories.

Interaction with Hamas "has always been on a technical nature," he said. Meetings with the group's political leadership happen "maybe once a year. Just when we feel that something needs really to be addressed," he said.

Aid experts are skeptical that UNRWA could ever have completely shaken off Hamas's influence because of the nature of working in an authoritarian climate.

There is "always some form of infiltration," said Kilian Kleinschmidt, a former senior U.N. official who helped lead aid operations in several countries.

"There has always been, in every U.N. office I know, somebody who's placed somehow by the government or by the guys who were in charge, to know what's going on inside of the organization," said Mr. Kleinschmidt.

With Israeli forces at the UNRWA compound in Gaza City. In Israel's view, UNRWA should have been far more proactive in protecting its neutrality. Sergey Ponomarev for The New York Times

Matthias Schmale, who directed UNRWA's operations in Gaza from 2017 through 2021, described forming a "pragmatic working relationship" with Hamas that was nevertheless "overwhelmed with tensions and disagreements."

During Mr. Schmale's tenure, UNRWA fired an employee who was a member of the group's military wing. And Mr. Schmale said that, after a "shouting match" with a Hamas official, he successfully persuaded the group to let UNRWA block off a tunnel that U.N. officials had discovered near one of its schools. In addition to providing shelter during wartime, UNRWA operates hundreds of schools and health centers during calmer periods and provides food aid to more than a million residents.

"When I say 'pragmatic working relationship,' it doesn't mean agreeing ideologically or justifying what they do. It means creating the space for where you work," Mr. Schmale said. "You can't just walk in as UNRWA and build schools anywhere you like," he added.

Mr. Schmale was himself forced to leave Gaza early in 2021 after a backlash from both Hamas and UNRWA's own workers over comments to an Israeli channel in which he was perceived to praise the precision of Israel's strikes on Gaza.

Israeli leaders, including Prime Minister Benjamin Netanyahu, now want to replace UNRWA with a different agency.

But officials from UNRWA and Israel alike warn that such a change would be impossible to enact without worsening the already dire humanitarian crisis in Gaza.

In the southern Gaza Strip during a temporary truce between Israel and Hamas in November. Samar Abu Elouf for The New York Times

UNRWA has by far and away the largest pool of aid workers on the ground in Gaza. If the agency shuts down, any successor organization would be likely to simply work with the same employees, making any change cosmetic, Mr. Lazzarini said. And absent UNRWA's school system, which educates around 300,000 Gazan children, there would be no immediate way to get many students back in class, he said.

At a recent interagency planning meeting, Ghassan Alian, an Israeli general who oversees the department within the defense ministry that liaises with Palestinian leaders and aid groups like UNRWA, told fellow Israeli officers that Israel should push to dismantle the agency in the long term, according to a senior military official present at the meeting.

General Alian also warned that any effort to close the agency before the end of the war would harm not only the civilian population but also Israel's war effort, the military official said. Israel's ability to extend its invasion is partly reliant on a functional and independent aid operation for Gazan civilians, according to four officials involved in Israeli military planning.

Israeli soldiers near Gaza's coastline during the escorted tour. Sergey Ponomarev for The New York Times

Patrick Kingsley is the Jerusalem bureau chief, covering Israel and the occupied territories. He has reported from more than 40 countries, written two books and previously covered migration and the Middle East for The Guardian. More about Patrick Kingsley

Ronen Bergman is a staff writer for The New York Times Magazine, based in Tel Aviv. His latest book is "Rise and Kill First: The Secret History of Israel's Targeted Assassinations," published by Random House. More about Ronen Bergman

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A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: Hamas Presence In U.N. Gaza Unit Is Longtime Issue

Annex 14

Jo Becker and Adam Rasgon, ‘Records Seized by Israel Show Hamas Presence in U.N. Schools’, *The New York Times* (8 December 2024)

Records Seized by Israel Show Hamas Presence in U.N. Schools

While Israel asserts that the United Nations has tried to minimize the problem, the global organization says Israeli officials are waging an unfair campaign to discredit it.

Listen to this article · 13:04 min Learn more

By Jo Becker and Adam Rasgon
Reporting from Jerusalem and Tel Aviv

Dec. 8, 2024

Want to stay updated on what's happening in Israel and the West Bank and Gaza Strip? Sign up for Your Places: Global Update, and we'll send our latest coverage to your inbox.

To his students, Ahmad al-Khatib was a deputy principal at an elementary school in Gaza run by the United Nations agency for Palestinian refugees. To Hamas's military wing, documents say, he was something else entirely: an infantryman operating out of the southern Gaza city of Khan Younis.

The military wing, known as the Qassam Brigades, kept meticulous records of its fighters, tracking the weapons they were issued and regularly evaluating everything from their fitness to their loyalty.

Mr. al-Khatib, an employee of the U.N. agency since 2013, was among them: Secret internal Hamas documents shared with The New York Times by the Israeli government say that he held the rank of squad commander, was an expert in ground combat and had been given at least a dozen weapons, including a Kalashnikov and hand grenades.

The refugee agency, known as UNRWA, operated schools across Gaza before they were shuttered in the wake of Hamas's Oct. 7 attack on Israel and the ensuing war. The agency, which employs roughly 13,000 people, including thousands in the schools, has a duty to maintain the neutrality of its facilities in the conflict zones in which it operates, including by keeping militants off its premises and payrolls.

But interviews and an analysis of the records shared with The Times by the Israeli military and foreign ministry indicate that Mr. al-Khatib was one of at least 24 people employed by UNRWA — in 24 different schools — who were members of Hamas or

Islamic Jihad, another militant group. Before the war, the agency was responsible for a total of 288 schools, housed in 200 different building compounds, in Gaza.

A majority were top administrators at the schools — principals or deputy principals — and the rest were school counselors and teachers, the documents say. Almost all of the Hamas-linked educators, according to the records, were fighters in the Qassam Brigades.

The Israeli military said it had obtained the trove of documents during its campaign in Gaza. While The Times had no way to independently authenticate the records, they bear similarities with other Hamas records that The Times has examined. Beyond that, names and identification numbers listed on the seized documents match those in a separate UNRWA database.

Entering an UNRWA school in Gaza City in 2020. Majdi Fathi/NurPhoto, via Getty Images

UNRWA officials say Israel is pursuing a campaign to discredit the agency and ultimately shut it down. The agency has long provided education, health care and other services to millions of Palestinians in Gaza, the West Bank, Lebanon, Syria and Jordan, and has turned many of its schools into shelters during the current conflict. It is difficult, U.N. officials say, to guarantee that there are no militants among the agency's workers in Gaza, where it is one of the largest employers, and where Hamas has exercised ironclad control for nearly two decades.

The agency's schools in Gaza have become a flashpoint in the current conflict. Close to 200 UNRWA facilities have been struck since the war began, many of them schools.

Israel claims that Hamas has used the buildings for military purposes and to hide its fighters, making them legitimate targets under international law. But the United Nations says that Israeli strikes on schools have likely violated the law by causing disproportionate harm to noncombatants.

Among the seized records are secret Hamas military plans that show that the Qassam Brigades regarded schools and other civilian facilities as "the best obstacles to protect the resistance" in the group's asymmetric war with Israel. The documents also list two schools in particular that were to be used as redoubts where fighters could hide and stash weapons in a conflict.

The Israeli government shared the documents at The Times's request, after Israeli officials had circulated a list of 100 UNRWA workers it alleged were militants. The Times asked for documents specifically related to school employees, who, as a sizable subset of the agency's employees, offer a window into the evidence behind Israel's claims.

The seized records — coupled with interviews of current and former UNRWA employees, residents and former students in Gaza — offer the most detailed evidence yet of the extent of Hamas's presence inside UNRWA schools. In several cases, educators remained employed by UNRWA even after Israel provided written warnings that they were militants.

Samar Abu Elouf for The New York Times

The group's presence in education appears to have extended beyond Gaza's borders: In September, Hamas announced the death of its leader in Lebanon — a school principal and a former head of UNRWA's teachers' union in that country.

Israel has long accused UNRWA of doing too little to prevent infiltration by Hamas. Earlier this year, Israel alleged that 18 of the agency's workers participated in the Oct. 7 attack, and several countries that fund UNRWA suspended donations.

In October, the Israeli Parliament passed legislation aimed at shutting down UNRWA's Gaza and West Bank operations, and it has recently briefed diplomats from countries that fund UNRWA on the documents shared with The Times.

While Israel asserts that other aid agencies could perform UNRWA's functions, humanitarian officials worry that the abrupt transition Israel seeks could be catastrophic.

UNRWA has said it takes allegations that staff members were militants seriously. In response to the Times inquiry into the documents, UNRWA officials said that the agency had put one employee on administrative leave and that the United Nations had requested more information from Israel on about 10 others.

Philippe Lazzarini, UNRWA's commissioner general, said the agency had struggled to get information from Israel that would allow it to act on the allegations. He added pointedly that it was "extraordinarily interesting" that the Israeli government had not chosen to share the materials with the agency itself.

But he also acknowledged that UNRWA lacked the resources to independently investigate such allegations.

"We have always been clear that we are not an intelligence or security type of organization," Mr. Lazzarini said in an interview.

Israeli officials, for their part, said that the United Nations had tried to minimize the problem. They have expressed frustration about how the United Nations responded when Israel shared detailed intelligence earlier this year about the 18 UNRWA workers it accused of participating in Oct. 7.

"The U.N. seems intent on portraying this problem as a few bad apples, rather than acknowledging that the tree is rotten," said Amir Weissbrod, the foreign ministry's deputy director for international organizations.

Basem Naim, a spokesman for Hamas, declined to comment.

A member of Hamas's Qassam Brigades in Gaza City in 2011. Lynsey Addario for The New York Times

The Times could not reach most of the educators named in the documents because their phone numbers were not working, they did not respond to messages on social media, and it is difficult to track down people in a war zone where Israel largely bars reporters from entering.

Residents of Gaza said in interviews that the idea that Hamas had operatives in UNRWA schools was an open secret. One educator on Israel's list of 100 was regularly seen after hours in Hamas fatigues carrying a Kalashnikov.

The documents do not indicate whether all of the 24 educators participated in active combat. But the records, along with interviews, do indicate that at least one-third of them were given the tools to do so.

Take, for instance, Mustafa al-Farra and Ayman al-Alami, who are listed as UNRWA teachers in Jabalia and Khan Younis. Multiple Qassam Brigades personnel documents seized by Israel separately list them as fighters. In addition, records bearing the military wing's letterhead show that Mr. al-Farra was issued an AK-47, while Mr. al-Alami participated in a Hamas rocket-launching training course in 2023.

Before Oct. 7, Israel did not consider uncovering Hamas ties to UNRWA an intelligence priority. Still, intelligence analysts would occasionally uncover evidence of Hamas's infiltration and pass it along.

In 2011, the foreign ministry alerted UNRWA that one of its educators, Naji Abu Aziz, was a Hamas operative, and urged the agency to conduct an investigation. UNRWA did launch an inquiry, but in a letter sent to the foreign ministry at the time, it said that it needed more evidence. The ministry responded that revealing such information could endanger intelligence sources.

Records since seized by the Israeli military list Mr. Abu Aziz as a member of the chemistry unit of Hamas's military manufacturing department. Mr. Abu Aziz's potential link with Hamas also surfaced in 2020 on a Telegram account. A seized Hamas communiqué noted the disclosure, confirmed Mr. Aziz's membership in the chemistry unit of Hamas's military manufacturing department and recommended that the Telegram account be hacked and shut down.

Mr. Abu Aziz is listed in the UNRWA database as the principal of the Khuza'a Prep Boys School.

A picture taken during an escorted tour in Gaza in February showing a tunnel that the Israeli military said was built by Hamas and ran beneath an UNRWA school, eventually leading to a communication hub under UNRWA's Gaza headquarters. Sergey Ponomarev for The New York Times

In other instances, the agency did not fire Hamas operatives after tunnels were discovered under or adjacent to its schools.

In 2017, UNRWA discovered a tunnel that passed under the Maghazi Prep B Boys School in central Gaza. The agency said at the time that it had lodged a protest with Hamas over the tunnel and had moved to seal entrances.

Seized records say that the principal of the school, Khaled al-Masri, is a Hamas member who was issued an assault rifle and a handgun, and he is pictured standing in front of a Hamas banner on Facebook.

He remains on UNRWA's staff, the agency says, but is under investigation for a social media violation.

This February, Israeli officials said, their forces conducted a raid on a tunnel shaft next to another UNRWA school, which led underneath the school to a nearly half-mile-long tunnel equipped with weapons. Seized Hamas records list that principal, Mohammed Shuwaideh, as a deputy squad commander with engineering expertise.

Mr. Lazzarini, the UNRWA official, said that the mere existence of an adjacent shaft did not necessarily implicate the principal. Nevertheless, on Nov. 13, the same day that The Times questioned UNRWA about Mr. Shuwaideh, he was put on administrative leave.

The United Nations has no way to verify that its employees are not members of Hamas or other militant groups, said James Lindsay, who served as UNRWA's general counsel until 2007.

"The U.N. has been unable and or unwilling to eliminate Hamas militants and their supporters, as well as those from other terrorist groups, from their ranks," Mr. Lindsay said. "UNRWA hiring practices and the makeup of the labor pool from which UNRWA draws its employees suggests to me that the numbers the Israelis are talking about are probably pretty close to the truth."

Even for criminal background checks, UNRWA relies on employees to self-report and provide confirmation of a clean record by way of a letter from the "de facto authorities." In Gaza, that means Hamas, and before Hamas took over in 2007, it meant the Palestinian Authority.

A destroyed UNRWA training school in Khan Younis in April. Mohammed Saber/EPA, via Shutterstock

The most serious effort to investigate potential Hamas members within the agency's employees came after Israel accused the 18 UNRWA workers of involvement in the Oct. 7 attack. In those cases, Israeli officials said they provided video and sensitive intelligence

that they say backed up their claims. (A 19th name was dropped after officials said he was misidentified.)

For nine of the workers, the U.N. Office of Internal Oversight Services said there was insufficient evidence to take action. But a copy of its report, which was never made public, says it did not consider evidence that Israel provided about their "alleged membership of the armed wing of Hamas or other militant groups."

U.N. investigators ultimately only found that the other nine "may have" been involved. (In one case, investigators were shown video of the worker throwing a dead Israeli into an S.U.V.)

Still, an UNRWA spokesman said that almost all of the employees were terminated or put on leave.

Khalil al-Halabi, a former UNRWA official in Gaza, argued that punishing the entire agency and everyone it serves over the misdeeds of some employees was unfair. But he said that the actions of militant-linked workers were causing enormous damage to the agency.

"It's a disaster," said Mr. al-Halabi, who has been critical of the Oct. 7 attack. "They're essentially giving Israel a pretext to shut UNRWA down."

Jo Becker is a reporter in the investigative unit at The Times. More about Jo Becker

Adam Rasgon is a reporter for The Times in Jerusalem, covering Israeli and Palestinian affairs. More about Adam Rasgon

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A version of this article appears in print on , Section A, Page 10 of the New York edition with the headline: Records Seized by Israel Show Hamas Was in U.N. Schools

Annex 15

‘UNRWA Official Expresses Understanding to Sinwar’, *Al Mayadeen* (3 June 2021)

UNRWA official expresses understanding to Sinwar

By Al Mayadeen | Source: Al Mayadeen | 3 Jun 2021 11:35 | 3 Shares

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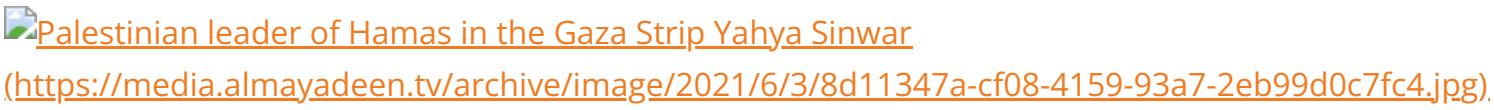
Hamas leader in the Gaza Strip meets with UNRWA Deputy Commissioner-General and discusses with her the repercussions of Schmale's claims over IOF "precision."


Palestinian leader of Hamas in the Gaza Strip Yahya Sinwar (https://media.almayadeen.tv/archive/image/2021/6/3/8d11347a-cf08-4159-93a7-2eb99d0c7fc4.jpg)

Palestinian leader of Hamas in the Gaza Strip Yahya Sinwar

Hamas leader in the Gaza Strip Yahya Sinwar met with UNRWA Deputy Commissioner-General Leni Stenseth at his office. He discussed the repercussions of UNRWA operations in Gaza Director Matthias Schmale (https://english.almayadeen.net/news/politics/1484194/resistance-committees:-matthias-schmales-words-mean-siding-w)'s statements to an Israeli channel, in which he gave justifications to the aggression.

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The two parties discussed the Deputy Director of UNRWA in the Gaza Strip, David de Bold, which caused an outrage among all the people of the Strip and its political and societal components.

Sinwar highlighted the national, factional, popular stance against Schmale and his deputy, "This is not related to our historical, substantive, and positive stance towards UNRWA. This stance is personally related to them, and a reaction to their serious transgression of the role entrusted to them, and the mandate that was given to them, in serving the Palestinian refugees."

Stenseth affirmed her understanding of the recent outrage of all the Palestinian people, expressing her solidarity, and offering her condolences to all the Palestinian people on behalf of the agency.

Related News

(https://english.almayadeen.net/news/politics/bogdanov-discusses-gaza-situation-with-hamas-official)

Bogdanov discusses Gaza situation with Hamas official (https://english.almayadeen.net/news/politics/bogdanov-discusses-gaza-situation-with-hamas-official)

She indicated that Schmale's statements to the Israeli channel could not be defended in any way.

She stressed, "The importance of the continuation of cooperation to assure that UNRWA keeps working on serving thousands of Palestinian refugees, especially in this sensitive situation," indicating that both she and UNRWA Commissioner-General "have been working around the clock lately to find a way to alleviate the suffering of refugees in particular and Palestinians in general as well as developing the work of the agency and strengthening its leadership with qualified and competent people."

UNRWA Director for Gaza Operations Matthias Schmale made a comment to an Israeli channel about the 11-day Israeli shelling of the besieged Gaza Strip, saying that it was "precise" and "sophisticated," according to the British Middle East Eye website.

Schmale said, "I'm not a military expert, but I would not dispute that. I also have the impression that there is a huge sophistication in the way the Israeli military struck over the last 11 days," adding, "So yes they did not hit, with some exceptions, civilian targets, but the viciousness and ferocity of the strikes were heavily felt."

International Committee of the Red Cross Director General Robert Mardini continues his three-day visit to the Gaza Strip.

The visit comes within the framework of reviewing the needs of the population most affected by the recent Israeli aggression on the Gaza Strip, which killed and injured hundreds and destroyed homes, buildings, and infrastructure.

UNRWA (/tags/UNRWA) Yahya Sinwar (/tags/Yahya Sinwar) Palestine (/tags/Palestine) Matthias Schmale (/tags/Matthias Schmale)

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Annex 16

Letter dated 27 April 2015 from the Secretary-General addressed to the President of the Security Council, (27 April 2015)
UN Doc. S/2015/286

United Nations S/2015/286

Security Council

Distr.: General
27 April 2015

Original: English

Letter dated 27 April 2015 from the Secretary-General addressed to the President of the Security Council

During the course of the last conflict in the Gaza Strip and southern Israel, a number of incidents occurred between 8 July and 26 August 2014 affecting or involving United Nations personnel, premises and operations.

In my capacity as the Chief Administrative Officer of the Organization, I decided to establish a United Nations Headquarters board of inquiry to review and investigate 10 of those incidents, in which death or injuries occurred at, or damage was done to, United Nations premises, or in which the presence of weaponry was reported at those premises.

My aim in taking this step was to develop a clear record of the facts of those serious incidents and their causes and to determine the persons or entities to which they might be attributable. That would make it possible for me, inter alia, to identify any gaps that there might have been in the Organization's procedures and to take any measures and put in place any arrangements that might be needed, with a view to preventing a recurrence of such incidents in the future, or at least to mitigate their effects. It would also put me in a better position to determine what steps I might need to take to protect the Organization's property and assets.

I would emphasize in this connection that a board of inquiry is not a judicial body or court of law; it does not make legal findings and does not consider questions of legal liability.

I appointed Mr. Patrick Cammaert as head of the Board. The other Board members were Ms. Maria Vicien-Milburn, Mr. Pierre Lemelin, Mr. K. C. Reddy and Ms. Lee O'Brien (who resigned from the Board for medical reasons on 29 December 2014). Mr. Stephane Wohlfarht served as Secretary.

The Board was convened on 10 November 2014. It conducted a field visit from 26 November to 13 December 2014 and submitted its report to me on 5 February 2015. I would like to thank the Board for having concluded its work successfully. In doing so, I recognize the difficulties that it naturally faced in obtaining clear and reliable evidence concerning precisely what happened in each of the incidents that it was tasked to investigate, those incidents occurring, as they did, in a situation of armed conflict and, in some but not all cases, in close proximity to where intense fighting was taking place.

Please recycle

I wish to place on record my appreciation for the cooperation provided to the Board by the Government of Israel, including its facilitation of the entry of the Board to the Gaza Strip and the convening of extensive meetings with the Board. I also appreciate the reception of the Board by representatives of the State of Palestine and the meetings with the local authorities in Gaza. I share the appreciation of the Board members for the cooperation extended to them by United Nations officials and entities on the ground. I welcome the efforts of the Government of Israel in establishing criminal investigations into certain incidents that occurred during the conflict, including some of those falling within the scope of the Board's terms of reference. I hope that the Government of Palestine will also conduct examinations into possible criminal activity during the conflict. Swift investigations must be undertaken, in accordance with international standards.

As with all United Nations boards of inquiry, the Board's report is an internal document and is not for public release. It contains significant amounts of information that was shared with the Board in strict confidence. It also contains a significant body of information the disclosure of which could prejudice the security or proper conduct of the Organization's operations or activities.

At the same time, I am aware that my decision to establish a board of inquiry into certain of the incidents that occurred in the Gaza Strip has given rise to considerable interest. In view of this fact and the seriousness of the events, I have taken the decision to release a summary of the Board's report, which is annexed to the present letter.

I wish to emphasize that the annexed document is a summary of the Board's report and not the report itself. The difficulties in obtaining evidence notwithstanding, the report runs to some 207 pages with footnotes detailing relevant sources and citations and is accompanied by some 160 annexes and appendices containing relevant evidence, including witness statements, investigative reports, including on weaponry, medical reports, photographs, video footage, audio recordings, submissions of non-governmental organizations, meeting notes and other materials.

I would also emphasize that the annexed document is the Secretariat's summary of the Board's report and that it has not been prepared by the Board. It contains a faithful and objective reflection of the Board's full report, including a description of the circumstances relating to each of the 10 incidents that the Board was tasked to review and investigate, together with a summary of the Board's key findings on the facts of each of those incidents, on its causes and on the persons or entity to which it is attributable. It also contains a summary of the Board's conclusions. The recommendations to me are reproduced in full from the Board's report.

With regard to the Board's recommendations concerning communication and coordination and safety and security, as well as the first of its two general recommendations, I have decided to establish an ad hoc group of senior managers, consisting of the Under-Secretaries-General for Political Affairs, Legal Affairs and Safety and Security, to carefully review these recommendations and advise me on what courses of action I should take.

With regard to the second of the Board's two general recommendations, I have already initiated actions with the United Nations Relief and Works Agency for Palestine Refugees in the Near East and relevant United Nations departments aimed

at providing counselling to affected staff to address potential post-traumatic stress disorder.

Regarding the seven incidents in which death or injuries occurred at, or damage was done to, United Nations premises, I deplore the fact that at least 44 Palestinians were killed as a result of Israeli actions and at least 227 injured at United Nations premises being used as emergency shelters. United Nations premises are inviolable and should be places of safety, in particular in a situation of armed conflict. It is a matter of the utmost gravity that those who looked to them for protection and who sought and were granted shelter there had their hopes and trust denied. I will work with all concerned and spare no effort to ensure that such incidents will never be repeated.

Concerning the discovery by the United Nations of weaponry on United Nations premises, I am dismayed that Palestinian militant groups would put United Nations schools at risk by using them to hide their arms. The three schools at which weaponry was found were empty at the time and were not being used as shelters. However, the fact that they were used by those involved in the fighting to store their weaponry and, in two cases, probably to fire from is unacceptable. It serves to undermine the confidence that all concerned should have that United Nations premises are civilian objects and may therefore not be made the object of attack. I am determined to take the necessary steps towards ensuring that there is no repetition of any such incident in the future, whether in times of armed conflict or not.

Above all, I intend, as and where appropriate, to address further issues arising from the incidents that were the subject of the Board's report through dialogue with the Governments of Israel and Palestine.

In conclusion, I note that this is the second time during my tenure as Secretary-General that I have been obliged to establish a board of inquiry into incidents involving United Nations premises and personnel in Gaza that occurred during the course of tragic conflicts in the Gaza Strip. The implementation of recommendations of the 2009 Board of Inquiry, especially in the area of coordination and communication, certainly contributed to the implementation of improved protocols and procedures during the crisis in 2014. However, the recent crisis has brought about new challenges that need to be addressed and I intend to do so in the follow-up to the Board's report. In particular, I remain concerned for the security and safety of United Nations personnel working in Gaza, in particular, should a new crisis develop. In this regard, I wish to reiterate my profound appreciation to the Organization's staff for their relentless efforts on the ground during the recent conflict, 11 of whom paid the ultimate price.

Once again, I must stress my profound and continuing concern for the civilian population of the Gaza Strip and Israel and their right to live in peace and security, free from the threat of violence and terrorism. It remains of the greatest importance that the parties ensure that innocent civilians do not become victims of hostilities. The agony of Palestinian civilians in Gaza, and the tragic, decades-long predicament that they endure there, is reflected in the report of the Board of Inquiry. We should also bear in mind that Israeli civilians in southern Israel continue to face the threat of rocket and terrorist attacks by Hamas and other militant groups.

Despite recent events, it is still my belief that the well-being and aspirations of both Palestinians and Israelis will best be secured through a successful peace process that achieves the goals of the resolutions adopted by the Security Council, including its resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003), 1850 (2008) and 1860 (2009).

I would be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council for their information.

(*Signed*) **BAN** Ki-moon

Annex 17

UNRWA, 'Audit of the Rapid Review Process, Summary audit results, March 2022' (30 March 2022)

Audit of the Rapid Review Process
Summary audit results
March 2022

department of internal oversight services

Background

Since its inception, and consistent with UN practice in refugee situations globally, UNRWA uses the host country's curriculum. This ensures Palestine refugees can integrate into host secondary and tertiary educational systems and more broadly participate in the social and economic life of the host country. Though UNRWA has no mandate to alter any host government curriculum or textbooks, since 2016, UNRWA has conducted rapid reviews (RRP) on PA textbooks to identify issues of potential concern deemed not aligned with UN values against three key criteria: Neutrality/Bias, Gender, and Age-Appropriateness.

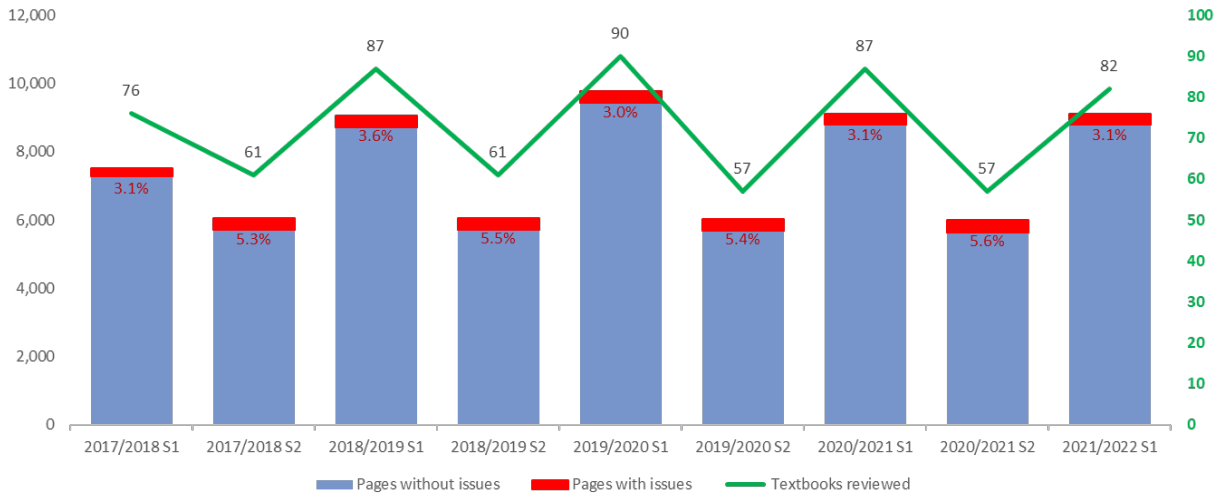
The Teacher Centred Approach (TCA), reflecting pedagogical principles of critical thinking and student empowerment, helps UNRWA teachers address identified issues in the classroom and teacher reference grid, guide and training material developed through the RRP, facilitate delivery of the curriculum in the classroom. In addition, UNRWA Education Department (ED) also prepares based on the RRP, statistical grids on the percentage of issues and pages with issues which serve as basis for external donor briefings (Briefing notes). Below is a summary of the coverage of the review with the issues identified.

Due to the COVID pandemic, during online learning, self-learning materials published on UNRWA's Digital Learning Platform (DLP) were used while review of PA textbooks by the HQ Curriculum team for the 2021/2022 academic year is currently in progress. Review for the host country curriculum for UNRWA schools in Jordan, Syria, and Lebanon is conducted by the Field education staff.

The RRP is performed in five steps; identify, develop documents, address, implement, and monitor, evaluate, and reporting.

Objective and Purpose of Audit

The audit aimed to assess whether governance, risk management, and internal control processes over the RRP are adequate, effective, and in line with the relevant framework.



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What DIOS concluded

DIOS noted that extensive reviews have been conducted, covering over 600 textbooks with close to 65,000 pages to date, resulting in the development of 9 rounds of TCA documents (Grid, Guide, and Training material) addressing on average, over 300 issues of potential concern, including the provision of options and critical thinking questions as relevant, to be used in classrooms. Moreover, the ED Curriculum Team remained agile and responsive during remote learning, devoting resources to mitigate the risks of materials not aligned with UN values being posted to DLP.

However, DIOS assessed the RRP of new editions of PA textbooks as "Partially Satisfactory – Major Improvement Needed", which means that "The assessed governance arrangements, risk management practices and controls were generally established and functioning but need major improvement to provide reasonable assurance that the objectives of the audited entity/area should be achieved". In particular, the RRP framework required significant enhancement, and other necessary measures (including monitoring for implementation in all fields) were needed to ensure effective implementation of RRP and TCA in the classrooms.

What DIOS recommended

DIOS made 7 recommendations of which 3 (#1, #3 & #6) are high risk. To effectively implement the rapid review framework, Education Department should:

1. significantly enhance the rapid review framework by strengthening and incorporating the following key elements:
   - ✓ defined roles and responsibilities;
   - ✓ specified criteria to use when conducting the review;
   - ✓ systematic quality assurance mechanism and;
   - ✓ clarification of roles and responsibilities of specific stakeholders (such as Neutrality and Gender), for consistent interpretation of the identified matters related to key UN values.
2. immediately commence succession planning and accelerate recruitment for vacant posts in order to ensure that critical knowledge is retained and that the rapid reviews will continue to be conducted after staff transition;
3. establish clear timelines and monitoring mechanism to ensure timely completion and dissemination of the rapid review and related TCA documents respectively, in line with the start of the academic year;
4. take necessary measures to establish appropriate record-keeping system utilizing relevant existing IMTD suite, including OneDrive or SharePoint;
5. develop an effective training plan for HQ-led training, and ensure fields development of the cascade training plan, in due consideration of alternative delivery modality in accordance with the TCA Training Manual in line with the academic year given the potential constraints;
6. develop a monitoring mechanism to ensure that the TCA Grid and Guide are implemented, including ensuring the required monitoring, quality assurance, and classroom visits are conducted;
7. ensure monitoring mechanism is in place on the fields' implementation of the rapid review framework for the host country curriculum in Syria, Jordan, and Lebanon.

What management is doing to address DIOS recommendations

Management has accepted the recommendations and is in the process of implementing them, including recruitment of additional professional support dedicated to the RRP. In particular, Education Department noted that the RRP is currently undergoing potential revision, including an alternative approach for the distribution of learning material which may mitigate the risks identified in the report.

Methodology, Approach and Disclosure

DIOS conducted an audit of the Rapid Review Process (RRP) to assess whether governance, risk management and internal control processes over the RRP are adequate, effective and in line with relevant framework. The audit focused on the rapid review of PA textbooks in use in Gaza and West Bank while also assessed ED HQA's role in the RRP as it relates to curriculum in use in Jordan, Lebanon, and Syria.

The audit covered all five sub-processes of RRP focusing the roles of HQA ED: identify issues of potential concern, develop TCA documents, address issues identified, implementation, monitor and reporting. While the audit intended to focus on 2021/2022, where information was not available, earlier school years were assessed.

The audit approach included enquiries and discussions with relevant staff, review of control processes and documents, analysis and examination of selected samples and other procedures deemed necessary. The fieldwork was conducted from the beginning of October until the end of January 2022.

The audit was conducted in accordance with DIOS standards, which are designed to conform to the International Standards for the Professional Practice of Internal Auditing. It was completed in conformity with the approved work plan and took into consideration the risk assessment exercise conducted prior to the audit.

Pursuant to OD14, this summary of findings and recommendations including management action taken to address recommendations is made publicly available on the DIOS internet page upon issuance of the report on 30 March 2022.

Annex 18

@antonioguterres, X (formerly Twitter) (24 October 2024) available at: https://x.com/antonioguterres/status/1849560363156533336 (last accessed 27 February 2025)

← **Post**

António Guterres
@antonioguterres

The humanitarian situation in northern Gaza is the worst we have seen since this horrific nightmare began.

Our polio vaccination campaign should be underway now but we've been forced to suspend it due to relentless violence & a persistent lack of access. This places some of the war's most vulnerable victims at further risk.

And in the central Gaza Strip, a strike took the life of yet another one of our @UNRWA colleagues.

We urgently need a ceasefire, the immediate & unconditional release of all hostages, effective aid delivery, an end to the occupation & irreversible progress toward a two-state solution.

10:15 pm · 24 Oct 2024 · **545.8K** Views

3.2K 3.4K 8.5K 238

Read 3.2K replies

Annex 19

European Parliament, General Budget of the EU – European Commission 2020/2140(DEC)
(29 April 2021)

European Parliament
2019-2024

TEXTS ADOPTED

P9_TA(2021)0164

2019 discharge: EU general budget - Commission and executive agencies

1. European Parliament decision of 28 April 2021 on discharge in respect of the implementation of the general budget of the European Union for the financial year 2019, Section III – Commission and executive agencies (2020/2140(DEC))

The European Parliament,

– having regard to the general budget of the European Union for the financial year 2019[1],

– having regard to the consolidated annual accounts of the European Union for the financial year 2019 (COM(2020)0288 – C9-0220/2020)[2],

– having regard to the Commission's report on the follow-up to the discharge for the 2018 financial year (COM(2020)0311), and to the complementing detailed replies,

– having regard to the Commission's 2019 Annual Management and Performance Report for the EU Budget (COM(2020)0265),

– having regard to the Commission's annual report to the discharge authority on internal audits carried out in 2019 (COM(2020)0268), and to the accompanying Commission staff working document (SWD(2020)0117),

– having regard to the Court of Auditors' annual report on the implementation of the budget for the financial year 2019, together with the institutions' replies[3], the Court of Auditors' report on the performance of the EU budget - Status at the end of 2019, together with the institutions' replies [4], and to the Court of Auditors' special reports,

– having regard to the statement of assurance[5] as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2019, pursuant to Article 287 of the Treaty on the Functioning of the European Union,

– having regard to the Council's recommendation of 1 March 2021 on discharge to be given

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1 OJ L 67, 7.3.2019, p. 1.
2 OJ C 384, 13.11.2020, p. 1.
3 OJ C 377, 9.11.2020, p. 13.
4 OJ C 381, 12.11.2020, p. 4.
5 OJ C 384, 13.11.2020, p. 180.

441. Notes that the Court found that EU aid helped to restore and maintain access to safe and good-quality education during humanitarian crises. Welcomes the relevance of projects regarding the problems identified. Notes that projects were able to achieve most of their objectives. Support the Court's recommendation and calls the Commission to finetune its support for education in emergencies in order to reach a good level of efficiency and relevance

442. Recalls that development and cooperation policy are meant to eradicate poverty and reduce inequality and that funds should reach only their intended beneficiaries;

443. Insists on the importance of the European Parliament's active participation in the development of partnership and cooperation agreements with third countries; stresses that future partnership agreements should be subject to parliamentary scrutiny and based on the principles of solidarity, shared responsibility, respect for human rights, the rule of law and international humanitarian law[1];

444. Is concerned about the hate speech and violence taught in Palestinian school textbooks and used in schools by UNRWA; is concerned about the effectiveness of UNRWA's mechanisms of adherence to UN values in educational materials used and taught by UNRWA staff in its schools, which contain hate speech and incitement to violence; insists that UNRWA acts in full transparency and publishes in an open-source platform all its educational materials for teachers and students, as well as its reviews of host country textbooks used to ensure that content adheres to UN values and does not encourage hatred; requests that all school material, which is not in compliance with these standards be removed immediately; insists that the earmarking of EU funding such as PEGASE for salaries paid to teachers and public servants in the education sector must be made conditional on educational material and course content complying with UNESCO standards of peace, tolerance, coexistence, and non-violence, as was decided upon by Union education ministers in Paris on 17 March 2015;

445. Reiterates its position that external assistance should be financed in full from the Union's budget and emphasises that actions under the trust funds (EUTFs) are only bridging solutions until their full replacement by the future EFIs, in particular the Neighbourhood Development and International Cooperation Instrument (NDICI) and the Instrument for Pre-accession Assistance (IPA III); regrets that humanitarian objectives, such as preserving the dignity and human rights of migrants and other vulnerable groups, such as children and women, have not been met in the implementation of actions under the TFs such as EU TF Madad and EU TF for Africa in several instances; emphasises that the protection of human rights requires decisive action; recalls furthermore that the respect for human rights, fundamental freedoms, the promotion of the rule of law, democratic principles, freedom of religion and belief, transparency, good governance and peace and stability are essential elements of the EU TF for Colombia; calls on the Commission to increase scrutiny of the actions of the implementing partners in this regard.

446. Recalls that poverty alleviation is the primary goal of the development policy of the Union and that official development assistance (ODA) should have as its main objective

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1 DEVE opinion on "human rights protection and the EU external migration policy", paragraph 17

Annex 20

Haley Cohen, 'US to aid UNWRA on Condition of New Curriculum', *The Jerusalem Post* (11 June 2021)

Advertisement

US to aid UNWRA on condition of new curriculum

Secretary of state Antony Blinken, will report to the US congressional committees on whether UNRWA followed the new guidelines and requirements before the release of the funds.

By HALEY COHEN
JUNE 11, 2021 22:57

US Secretary of State Antony Blinken waves as he steps off his plane upon arrival at Cairo International Airport, in Cairo, Egypt May 26, 2021. (photo credit: ALEX BRANDON/POOL VIA REUTERS)

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US Secretary of State Antony Blinken confirmed that the Biden administration's renewal of funding for UNRWA is conditional on anti-Israel and anti-Jewish education reform on Tuesday, referencing educational materials that erase Israel from maps and praise terrorism and martyrdom.

“We’re also determined that UNRWA pursue very necessary reforms in terms of some of the abuses of the system that have taken place in the past, particularly the challenge that we've seen in disseminating in its educational products antisemitic or anti-Israel information, so we're very focused on that,” Blinken said before the Appropriations Committees of the House and Senate regarding the State Department's budget requests for the 2022 fiscal year.

He continued, adding that the State Department would be “looking very, very carefully” at the mechanisms that the refugee organization for Palestinians says it has in place in order to address problematic educational materials, which were discovered by a January 2021 review by Institute for Monitoring Peace and Cultural Tolerance in School Education (IMPACT-se), a non-profit that monitors the content of school textbooks.

IMPACT-se CEO Marcus Sheff called on the US State Department to make the subject a priority.

“UNRWA had been telling donor countries for years that it combats incitement in the Palestinian textbooks. In fact, we found that, in places, UNRWA’s own content is even worse than that of the Palestinian Authority. It is right and proper that the US State Department is now going to focus on eradicating hate education in UNRWA schools. The era of UNRWA trying to pull the wool over everyone’s eyes while teaching hate every day needs to be well and truly over," he said.

CONTINUE READING ▾

Annex 21

European Parliament, EU General Budget – Commission and Executive Agencies
2021/2106(DEC) (4 May 2022)

European Parliament
2019-2024

TEXTS ADOPTED

P9_TA(2022)0144

Discharge 2020: EU general budget - Commission and executive agencies

1. European Parliament decision of 4 May 2022 on discharge in respect of the implementation of the general budget of the European Union for the financial year 2020, Section III – Commission (2021/2106(DEC))

The European Parliament,

– having regard to the general budget of the European Union for the financial year 2020[1],

– having regard to the consolidated annual accounts of the European Union for the financial year 2020 (COM(2021)0381– C9-0258/2021)[2],

– having regard to the Commission's report on the follow-up to the discharge for the 2019 financial year (COM(2021)0405), and to the detailed replies to the specific requests made by the European Parliament,

– having regard to the Commission's 2020 Annual Management and Performance Report for the EU Budget (COM(2021)0301),

– having regard to the Commission's annual report to the discharge authority on internal audits carried out in 2020 (COM(2021)0292), and to the accompanying Commission staff working document (SWD(2021)0132),

– having regard to the Court of Auditors' annual report on the implementation of the budget for the financial year 2020, together with the institutions' replies[3], the Court of Auditors' report on the performance of the EU budget - Status at the end of 2020, together with the institutions' replies[4] and to the Court of Auditors' special reports,

– having regard to the statement of assurance[5] as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2020, pursuant to Article 287 of the Treaty on the Functioning of the European Union,

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1 OJ L 57, 27.2.2020, p. 1.
2 OJ C 436, 28.10.2021, p. 1.
3 OJ C 430, 25.10.2021, p. 7.
4 OJ C 458, 12.11.2021, p. 21.
5 OJ C 430, 25.10.2021, p. 7.

173. Recalls that development and cooperation policy aim to eradicate poverty and reduce inequality and that funds should reach only their intended beneficiaries;

174. Insists on the importance of Parliament's active participation in the development of partnership and cooperation agreements with third countries; stresses that future partnership agreements should be subject to parliamentary scrutiny and based on the principles of solidarity, shared responsibility, respect for human rights, the rule of law and international humanitarian law;

175. Deplores that problematic and hateful material in Palestinian school textbooks has still not been removed and is concerned about the continued failure to act effectively against hate speech and violence in school textbooks and especially in the newly created study cards; reiterates its position that all text books and materials supported by Union Funds which are used in schools must be in line with UNESCO standards of peace, tolerance, co-existence and non-violence; moreover, insists that salaries of teachers and education sector civil servants that are financed from Union funds such as PEGASE be used for drafting and teaching curricula which reflect the UNESCO standards of peace, tolerance, coexistence, and non-violence, as was decided upon by Union education ministers in Paris on 17 March 2015; and Parliament decisions on discharge in respect of the implementation of the general budget of the European Union for the financial years 2016, 2018 and 2019; requests therefore the Commission to closely scrutinise that the Palestinian Authority (PA) and relevant experts to modify the curriculum expeditiously;

Recommendations

176. Calls on the Commission to:

    a. take steps so that international organisations provide the Court with complete, unlimited and timely access to documents necessary to carry out its task in accordance with the TFEU;

    b. establish a procedure to ensure that partner organisations base their allocation of shared costs on expenditure actually incurred;

    c. develop the ex post controls by a better implementation of new technologies and IT tools as well as increasing the on-the-spot missions;

    d. ensure the protection of the Union budget by making general and systematic use of digital and automated systems for reporting, monitoring and audit and urgently establish an integrated and interoperable system building on but not limited to existing tools and databases;

    e. establish obligations for the RER study contractor to report to the Commission any suspected fraud against the Union budget detected during its work on the RER study;

    f. encourages the further development of balanced trade agreements and to remain attentive to investments made by foreign powers;

Annex 22

European Parliament, EU General Budget – Commission
2023/2129(DEC) (11 April 2024)

European Parliament
2019-2024

TEXTS ADOPTED

P9_TA(2024)0228

Discharge 2022: EU general budget - Commission

1. European Parliament decision of 11 April 2024 on discharge in respect of the implementation of the general budget of the European Union for the financial year 2022, Section III – Commission and executive agencies (2023/2129(DEC))

The European Parliament,

– having regard to the general budget of the European Union for the financial year 2022[1],

– having regard to the consolidated annual accounts of the European Union for the financial year 2022 (COM(2023)0391 – C9-0248/2023)[2],

– having regard to the Commission's report on the follow-up to the discharge for the 2021 financial year (COM(2023)0384), and to the detailed replies to the specific requests made by the European Parliament,

– having regard to the Commission's 2022 Annual Management and Performance Report for the EU Budget (COM(2023)0401),

– having regard to the Commission's annual report to the discharge authority on internal audits carried out in 2022 (COM(2023)0323), and to the accompanying Commission staff working document (SWD(2023)0214),

– having regard to the Court of Auditors' annual report on the implementation of the budget for the financial year 2022, together with the institutions' replies[3], and to the Court of Auditors' special reports,

– having regard to the statement of assurance[4] as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2022, pursuant to Article 287 of the Treaty on the Functioning of the European Union,

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1 OJ L 45, 24.2.2022.
2 OJ C, C/2023/2, 12.10.2023.
3 OJ C, C/2023/103, 4.10.2023.
4 OJ C, C/2023/112, 12.10.2023.

Parliament informed about new developments and efforts undertaken to provide direct support to Palestinian civilians and refugees and to prevent terrorist from diverting funds;

195. Is concerned about credible reports that Union taxpayers' money or funds of other donors could have been partially misused by the terrorist organisation Hamas; emphasises that the relevant Union funds should benefit the Palestinian civilian population and provide food, medical supplies, housing and basic infrastructure to the suffering population and notably to children, women, elderly and disabled persons; urges the Commission, in the context of delivering support and humanitarian aid to the Palestinian population, to diversify trusted partners, such as the WHO, UNICEF or different Red Crescent organisations; furthermore, is worried about other credible reports that certain employees of UNWRA could have been involved in or associated with acts of terror by the Hamas terrorist organisation; urges the Commission to guarantee independent controls of UNRWA by external experts, the European Court of Auditors and experienced international partners, such as, but not limited to, Global Affairs Canada or AusAid;

196. Expresses deep concern regarding the recent announcement by some countries of suspension of funding to the UN Relief and Works Agency for Palestine Refugees (UNRWA) pending the outcome of the investigation; calls for increased and sustained funding in recognition of the agency's crucial role in the humanitarian response in Gaza, and to ensure the uninterrupted delivery of vital services to a vulnerable population in the Middle East; recalls the essential role of humanitarian aid given to the Palestinian refugees throughout the Middle East;

197. Stresses the importance of education and the critical need to denounce and eradicate all manifestations of hate speech and violent actions on both sides; underscores that the suspension of funding should not occur arbitrarily or without transparent and independent evidence of misuse;

198. Recalls that the findings of the study commissioned by the Commission to Georg Eckert Institute on the Palestinian Textbooks revealed a complex picture where the textbooks (i) adhere to UNESCO standards and adopt criteria that are prominent in international education discourse, including a strong focus on human rights, (ii) express a narrative of resistance within the context of the Israeli-Palestinian conflict and (iii) display an antagonism towards Israel; notes that the Union does not fund the Palestinian Textbooks and that neither are they the responsibility of UNRWA, which works to deliver quality education with an emphasis on fostering a human rights culture, even in challenging times; underlines that education and pupils' access to peaceful and unbiased textbooks is essential; stresses Parliament's position that textbooks drafted by Union funds, must be made conditional on full compliance with UNESCO standards of peace and tolerance; as already was decided upon by the Parliament in its 2023 recommendation on relations with the Palestinian Authority, and as repeatedly requested in its latest adopted resolutions on Prospects for the Two-State Solution;

199. Recalls the Union strategy to promote and ensure quality education for children across the world, especially when specific Union financial support is provided; condemns the problematic and hateful contents encouraging violence, spreading antisemitism and inciting hatred in Palestinian school textbooks drafted by Union-funded civil servants as well as in supplementary educational materials developed by UNRWA staff and taught

in its schools; reaffirms in the context of the despicable terrorist attacks carried out by Hamas on 7 October 2023, that education to hatred have direct and dramatic consequences on the security of Israelis as well as on the perspectives of a better future for young Palestinians; therefore requests the Commission to closely scrutinise that no funds are allocated or linked directly or indirectly to the use of such educational materials and that the Palestinian Authority modifies the full curriculum expeditiously as repeatedly requested in the discharge decisions in respect of the implementation of the general budget of the Union for the financial years 2016, 2018, 2019, 2020 and 2021; stresses that financial support from the Union to the Palestinian Authority in the area of education shall be provided on the condition of a national Palestinian curriculum, with reference textbooks and educational material, that is free from anti-Semitic contents and incitement to violence and complies with quality education; calls in that regard the Commission and Member States to provide expertise, share knowledge, guidance and technical support to empower Palestinian teachers, trainers and experts towards the implementation of education that fully complies with UNESCO standards;

200. Highlights that according to the answers of commissioner for Neighbourhood and Enlargement for the 2021 Discharge Report the ongoing development portfolio for the Palestinians, under the Neighbourhood, Development and International Cooperation Instrument (NDICI) Regulation, is EUR 681 million between 2021 and 2023, for the Palestinian Authority, UNRWA and development projects in the West Bank and Gaza; notes that about one third of the funding benefitted projects in Gaza and two third in the West Bank; underlines that the Union provided EUR 271 million to UNRWA for the provision of social services to the Palestinian refugees and in addition, the Union provided support to the Palestinian Authority's recurrent expenditures, mainly the salaries and pensions of civil servants, the social allowances paid through the cash transfer programme and part of the costs of referrals to the East Jerusalem Hospitals through the PEGASE mechanism;

201. Expresses shock over the terrorist attacks of 7 October 2023 in which Hamas perpetrated violence, rape and other forms of sexual torture against women, female teenagers and girls of Israeli and other nationalities; emphasises that this targeted form of sexual violence and torture against women is systematically used as a war crime and terrorism; regrets the lack of focus of the EEAS and the Commission in the area of conflict-related sexual violence against women; calls for the setup of a mechanism to identify and provide support to victims, collect testimonies, identify perpetrators and take timely actions to ensure that similar situations do not occur in the future; calls for the establishment of a platform to provide visibility to victims and their suffering; calls for increased support to entities such as the Association of Rape Crisis Centres in Israel or similar entities in conflict areas; emphasises that additional Union funding should be provided to victims of conflict-related sexual violence as well as to relevant education activities; notes the lack of data in annual activity reports on the amount of Union funds budgeted to support such victims and relevant entities; recommends the Commission provide clearer reporting on Union aid provided to such victims and relevant entities;

202. Underlines that the ECA AR 2022 highlights an example of ineligible expenditure included in the cost claim concerning a project in Palestine on the sustainable use of natural resources to support Palestine's transition to a green economy with an incentive component that was intended to support SMEs in the form of grants for 'green' projects in the areas of energy efficiency, renewable energy and pollution abatement; Underlines

Annex 23

Independent Review Group of UNRWA, 'Final Report for the United Nations Secretary-General,' (20 April 2024)

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,[1] 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[1] 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."[3] The framework aims to "ensure a consistent and coherent approach, agency-wide, to key issues relating to the neutrality of UNRWA operations."[4] 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.[5]

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[6] 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 activites 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.[7] Its mandate is set out in Organizational Directive 14 (2020),[8] 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.[9] 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)[10] and the internal pre-tribunal appeal mechanisms (2023)[11] 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,[12] 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[13] 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.[14] 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[15] 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.[16]

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.*[17]

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.[18]

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),[19] a policy on personal use of social media and guidelines (2021, updated 2024),[20] and staff standards of conduct.[21] 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."[22] 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."[23] 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.[24] 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.[25] 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.[26]
- 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[27] 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.[28] 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.[29] No matches have been documented to date. UNRWA also receives recommendations from the audit division of the screening process against the UN sanctions list.[30]

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.[31]

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.[32] 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.[33] Actual assessments may not always occur on schedule, and teams often comprise only two staff members carrying out the inspection following specified procedures.[34] 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.[35] The most frequent issues identified during assessments are a lack of UN signboards, of no-weapons signboards and of UN flags.[36]

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.[37] This enables Palestine refugee students to transition from UNRWA to host-country schools.[38] 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[39] over the alleged presence of hate speech, incitement to violence and antisemitism 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.[40]

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.[41] 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.[42] 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.[43]
- A programme and policy to integrate human rights, conflict resolution and tolerance in schools.[44]

- The Neutrality Review Manual,[45] 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[46] to review Palestinian Authority textbooks, undertaking rapid reviews[47] to ensure alignment with UN values in textbooks and teachers' manuals.
- The Critical Thinking Approach.[48] A manualized teaching approach with explanations and questions for classroom use facilitating discussions and educating students to critically engage with available knowledge.[49] This includes teacher training and on-site support.[50]
- Digital learning platforms for self-learning materials to support distance learning, which is the only authorized source of supplemental material for teachers.[51]

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.[52]

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.[53] 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,[54] which can better equip teachers to guide students to critically address misinformation or disinformation and promote information integrity.[55] Digital and social media are, on a global scale, major sources and channels of messaging that goes against UN principles.[56]

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[57] ('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;[58] 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.[59] 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.[60] 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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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[61]
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
Total	**367**	**271**	**282**	**172**	**210**	**225**

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
Cases Opened	21	5	1	0	4	0	2	2	0	8	3
Cases 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%

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.[62]
- 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.[63]

- 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.[64]

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.[65]
- 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.[66]

- 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.[67]

Annex 24

Framework for Cooperation between UNRWA and the Government of the United States of America for 2011, signed on 30 November 2010

FRAMEWORK FOR COOPERATION BETWEEN UNRWA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR 2011

This Framework for Cooperation is undertaken by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (hereinafter referred to as "UNRWA") and the Government of the United States of America (hereinafter referred to as "the United States" or "U.S."). It is understood that this document, in its entirety, constitutes policy commitments by UNRWA and the U.S. Government, and is therefore not intended to be legally binding.

I. Mutual Strategic Goals:

UNRWA was established in 1949 to provide temporary support to Palestine refugees. It operates in Jordan, Lebanon, Syria, the West Bank and Gaza Strip on a budget mostly financed by voluntary contributions and employs almost 30,000 staff to provide education, primary health care, relief and social services and other assistance to Palestine refugees in its area of operations. In the 61 years since its inception, the number of registered Palestine refugees in UNRWA's five operating fields has grown through natural population increase to over 4.7 million persons. The goal of U.S. support to UNRWA is to ensure that Palestine refugees live in dignity with an enhanced human development potential until a comprehensive and just solution is secured. These objectives match UNRWA's ongoing goals to:

- Address the needs of Palestine refugees through the provision of basic education, health, relief and social services, microcredit, camp improvement and infrastructure and other assistance;
- Promote the human development of Palestine refugees by improving living conditions, economic potential, livelihoods, access and human rights.

Assisting vulnerable populations through effective provision of humanitarian assistance is a key element of U.S. foreign policy. The U.S. provides humanitarian assistance on the basis of need according to principles of universality, impartiality, and human dignity, and recognizes that provision of assistance requires an integrated, coordinated, and multi-sectoral approach between UNRWA and all its donors to be most effective. All U.S. foreign assistance programs are required to demonstrate performance and accountability, and clearly link programming and funding directly to U.S. policy goals.

The United States commends UNRWA for its work to provide core services to Palestine refugees for over six decades, which has often required UNRWA to work during periods of conflict. The U.S. notes the Agency's ongoing strategic planning efforts given the highly volatile political environment, unpredictable funding and other unforeseen circumstances that often pose challenges to the effective fulfillment of UNRWA's mandate. The U.S. strongly supports UNRWA's efforts to meet those challenges by its undertaking of the three following initiatives:

- Implementing the fifteen objectives of the Medium Term Strategy for 2010-2015, particularly the commitment to improve the quality of core services and accountability in the face of growing budget shortfalls;

- Increasing attention to reducing chronic budget shortfalls through resource mobilization efforts, including diversification of the donor base, and exploring opportunities for program efficiencies while maintaining quality of services and providing critical services for the most vulnerable refugees;
- Strengthening engagement with key stakeholders, including donors, host countries and authorities, and Palestine refugees.

II. Organizational Reform Initiatives:

UNRWA has undertaken significant reform initiatives to improve management capacity and engage in more strategic planning and needs-based budgeting. The implementation of UNRWA's three-year Organizational Development Plan (OD), which formally concluded in December 2009, resulted in a more transparent and field-based system of budgeting for the Agency's needs, strengthening of the Agency's monitoring and evaluation capacity, and improvements in the organizational structure of UNRWA, which has enhanced overall efficiency and effectiveness. Implementation of certain elements of the reform initiatives began in 2010 and will continue into 2011.

In support of UNRWA's continued reform, the U.S. and UNRWA identify the following strategic objectives:

A. Continued focus on reform initiatives, particularly in the areas of accountability, program monitoring and evaluation, and internal communication;

B. Intensified focus on programmatic reform in the areas of education, health, and relief and social services under the rubric of "Sustaining Change";

C. Development of donor-funded innovative projects that promote qualitative reform within the organization, such as the current education initiatives in Gaza, West Bank and Syria;

D. Continue progress towards the full implementation of all of the Board of Auditor's recommendations for the biennia ending 2005 and 2007, documented through semi-annual written reports to the Advisory Commission.

III. Performance Measures and Targets:

The U.S. commends UNRWA for its development of the Medium Term Strategy (MTS) for 2010-2015, which provides strategic direction for the Agency's operations, as well as the development of Field Implementation Plans, which provide a more comprehensive picture of the needs of the Agency's beneficiaries. Annex 1 provides milestones on UNRWA's ongoing reform initiatives. Annex 2 provides general requirements performance indicators. Annex 3 details specific agreed upon performance indicators and 2011 targets for UNRWA's health, education, relief and social services programs, emergency appeal programs, and efficiency, with the aim of moving toward finalized harmonized donor programming reporting requirements in 2012.

The U.S. and UNRWA identify the following goals related to performance measures and targets for UNRWA's programs:

A. The U.S. and UNRWA remain committed to work with other donors to further refine outcome-based performance indicators, baseline data, and targets for UNRWA's programs. In 2011, UNRWA is committed to strengthening its monitoring and evaluation functions through activities such as standardizing implementation plan reporting and executing the Donor Harmonization Plan to ensure donor programmatic reporting requirements dovetail with performance measures monitored and consolidated at an organizational level, based on Agency biennium plans;

B. UNRWA intends to continue to strengthen the Agency's monitoring and evaluation and internal oversight functions for the effective oversight of UNRWA programs and services;

C. In 2011, UNRWA is committed to addressing and reporting to the United States on the performance measures included in Annex 3. Reporting is requested by March 31, 2012 on efforts and results as of December 31, 2011.

UNRWA works in a highly volatile environment where political and military actions frequently place constraints on the delivery of its services. Furthermore, the Agency is dependent for the majority of its funding on voluntary contributions provided by UN member states – contributions which fluctuate beyond UNRWA's control. Therefore, it is important that UNRWA's performance against identified indicators be reviewed in light of constraints imposed by the operating environment and funding made available to the Agency.

IV. The U.S. and UNRWA further identify the following issues of a more bilateral nature:

A. Conformance with Conditions for Funding in the United States Foreign Assistance Act of 1961, section 301 (c), as amended:

i. The United States appreciates the ongoing close consultation with UNRWA regarding section 301(c) of the United States Foreign Assistance Act of 1961, as amended, which states: "No contributions by the United States shall be made to (UNRWA) except on the condition that (UNRWA) take all possible measures to assure than no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerilla type organization or who has engaged in any act of terrorism." UNRWA is committed to taking all possible measures in conformance with section 301(c). The United States expects UNRWA to maintain constant vigilance with regard to 301(c) conformance.

ii. The United States and UNRWA share concerns about the threat of terrorism, including within the context of the United Nation's firm commitment to counter terrorism and section 301(c) of the United States Foreign Assistance Act of 1961. To this end, UNRWA is committed to taking all possible measures to ensure that funding

provided by the United States to support UNRWA is not used to provide assistance to, or otherwise support, terrorists or terrorist organizations.

iii. The United States and UNRWA intend that UNRWA will continue providing reports every six months regarding actions taken by the organization to ensure conformance with section 301(c) and other issues related to that section of law.

iv. The United States and UNRWA confirm that the Department of State will use the activities set out in Annex 4 as a way to evaluate UNRWA's conformance with the condition on the U.S. contribution to UNRWA in section 301(c) of the Foreign Assistance Act of 1961 and will use in its evaluation the information provided by UNRWA in the report referred to in sub-paragraph iii.

v. The United States and UNRWA are to continue to work together throughout 2011 to enhance collaboration and communication on issues related to conformance with section 301(c).

vi. The United States believes that the Operations Support Officer program in the West Bank, Gaza Strip, and Lebanon is essential in helping to ensure the neutrality of UNRWA facilities, and reiterates its intention to continue supporting these programs, subject to the availability of funding.

B **Reporting:**

The United States appreciates UNRWA's commitment to provide more consistent and detailed reporting on the use of this funding especially given the importance of this data for shaping evidence-based policies and programs, and the need to satisfy PRM reporting requirements in 2011. UNRWA is committed to reporting on US funded 'special projects' as stipulated by the US approved project proposal. In addition to the biannual report on UNRWA actions regarding 301 (c) of the U.S. Foreign Assistance Act of 1961 (as referred to in paragraph IV.A.iii) and the biannual consolidated report on the West Bank/Gaza Emergency Appeal, UNRWA will provide a financial update on USG Emergency Appeal funding on a biannual basis. Beginning in 2011, UNRWA will report annually on the indicators contained in the Donor Harmonization Matrix.

V. Continued Support for UNRWA:

A. The United States is committed to continuing its partnership with UNRWA to assist over 4.7 million registered Palestine refugees with UNRWA until a just solution is achieved and UNRWA's mandate ends;

B. Recognizing the need for early and predictable funding, the U.S. will strive to provide a large contribution to UNRWA for its 2011 core programs early in the Calendar Year. Subject to the availability of funds, the United States expects to provide 18-20% of General Fund budget requirements. The U.S. will endeavor to maintain or enhance its support to UNRWA's General Fund requirements;

C. As in 2010, the U.S. aims to contribute to UNRWA's 2011 West Bank and Gaza Emergency Appeals, subject to the availability of funds;

D. Subject to the availability of funds, the United States will also aim to provide funding for UNRWA's Nahr al Bared relief and reconstruction appeals;

E. Subject to the availability of funds, the U.S. intends to continue supporting UNRWA's special projects, including UNRWA's human rights, conflict resolution, and tolerance education program in all five fields.

Signed on the 30th day of November 2010 at the Dead Sea, Jordan.

Filippo Grandi
Commissioner-General
United Nations Relief and
Refugee Works Agency for Palestine
Refugees in the Near East

Kelly T. Clements
Deputy Assistant Secretary
Bureau of Population,
Refugees, and Migration
U.S. Department of State

Annexes:

Annex 1: Organizational Reform Milestones
Annex 2: General Requirements for and Classification of Performance Indicators
Annex 3: 2011 Indicators and Targets
Annex 4: Activities related to Conformance with Funding Conditions in Section 301(c)

ANNEX 1: ORGANIZATIONAL REFORM MILESTONES

In 2011, UNRWA anticipates that the following milestones and targets are achieved during the period under review. The United States notes that the milestones listed below may be modified by mutual agreement.

Continued Reform Objectives	**Milestones**	**Target**
Implementation of a Program / Project Cycle Management (PCM) framework for all interventions	Fully integrated and revised project procedures manual implemented, including redefined roles and responsibilities.	Quarter One
Internal Communication	Internal communications strategy and plan, designed, as an Agency-wide pilot, specifically for the Sustaining Change programme, developed and under implementation	Quarter Two
Human Resources	Administration of justice system established	Quarter Two
Enterprise Resource Planning	UNRWA will have either selected a UN partner with a specific ERP solution for its implementation or will have selected a specific ERP vendor with a system integrator partner for its implementation.	September
Program Reforms	Reform plans in the areas of Education, Health, and Relief and Social Services developed and under implementation	Quarter Three

ANNEX 2: GENERAL REQUIREMENTS FOR AND CLASSIFICATION OF PERFORMANCE INDICATORS*

The following represents a list of general requirements for indicators to be used in a developmental context:

- Specific
- Measurable
- Achievable
- Relevant
- Time-bound
- Correlation with the objective
- Availability of information
- Reliability of information (external or internal)
- Effort (time and money) to collect
- Link with ideology of the Agency and donor organization
- Privacy sensitive
- Relevant to Millennium Development Goals

Indicators in Annex 2 are classified according to a clear typology listed below:

Input indicators measure the provided financial, administrative and regulatory resources (often called "process"). Example: amount of funds allocated to a specific project.

Output indicators measure the immediate and concrete consequences of the measures taken and resources used. Example: number of schools built.

Result indicators measure the results at the level of beneficiaries. Example: number of students enrolled.

Outcome indicators measure the consequences of the result. Example: literacy rates.

Efficiency indicators help to determine whether there are major design flaws in a program that would limit its effectiveness or efficiency.**

*Source for all but the efficiency indicator: "The Development of Result-Based Indicators for UNRWA's Programmes Funded by the European Commission, November 2006"

**Source for efficiency indicator: "Guide to the Program Assessment Rating Tool (PART)," Office of Management and Budget, March 2006.

ANNEX 3: 2011 INDICATORS AND TARGETS

UNRWA agrees to address and report to the United States on the following performance measures and targets for the current year. The reporting framework in Annex 3 may be reviewed during 2011 in an effort to align performance measures with those monitored and consolidated at an organizational level based on biennium plans. Reporting, as outlined herein, is requested by March 31, 2012 on efforts and results as of December 31, 2011. The below indicators are included in the draft Harmonized Donor Indicators Matrix dated November 26, 2010.

Program Sector	Type of Indicator	Indicator	Baseline/Result	2011 Target
Health	Outcome	Improved detection rate of late complications among NCD patients	11.5% (2009)	12.2%
Health	Outcome	Recovery rate of children with growth retardation.	Prevalence rate in all fields: 39% (2009)	54%
Health	Outcome	Infant Mortality Rate (IMR): Live newborns dying under one year of age per one thousand live births	22 (2009)	
Health	Result	Percentage of pregnant women who register for antenatal care in first trimester	77% (2009)	86%
Health	Result	Average daily Medical consultations per doctor	98.5 (2009)	90
Health	Outcome	Percentage of late complications among non-communicable diseases (NCD) patients	Rate in all fields: 11.5% (2009)	12.2%
Education	Result	Learner Dropouts – Elementary Education	Male: .52% (2009) Female: .29% (2009)	Male: .5% Female: .2%
Education	Result	Learner Dropouts – Preparatory Education	Male: 2.97% (2009) Female: 2.05% (2009)	Male: 3% Female: 2.5%
Education	Result	The Mean score obtained by Grade 4 students from MLA testing – Math and Arabic	Math: 45.33% (2009) Arabic: 44.2% (2009)	
Education	Result	The Mean score obtained by Grade 8 students from MLA testing – Math and Arabic	Math: 23.1% (2009) Arabic: 28.3% (2009)	
Education	Result	GFO Pass rates for Math and Arabic	Math: 43.5% (2008/2009) Arabic: 61.3% (2008/2009)	Math 75% Arabic: 85%
Education	Result	Pass rates for Lebanon national preparatory exam	50.4% (2008/2009)	55%
Education	Result	Percentage of Special Education Needs (SEN) children of all children enrolled	New indicator; baseline to be established in 2011	
Decent Standard of	Outcome	Number of Social Safety Net (SSN) refugee families living in substandard	229 (2008)	343

Living: Relief and Social Services		shelters, which have improved living conditions.		
Relief and Social Services	Outcome	Percent Social Safety Net beneficiaries who are abject poor	46% (2009)	49%
Relief and Social Services	Outcome	The Periodic review of social performance of the Microfinance program	Completed social impact assessment for SFO and a social rating assessment of WBFO and GFO	Social impact and rating assessments completed in all Microfinance program fields.
Relief and Social Services	Output	Total number of loans financed to refugee clients through all MD loan products	12,062 (2009)	101,707
Relief and Social Services	Outcome	Technical and vocational training graduates employed after 12 months of graduation	Male: 79% (2009) Female: 74% (2009)	Male: 82% Female: 80%
Human Rights Enjoyed to the Fullest	Output	Percentage of UNRWA schools implementing the Violence Free/Child Friendly Schools Program		100%
Relief and Social Services	Outcome	Percentage of new inscriptions meeting UNRWA standards. (e.g. registering newborns, marriages and deaths).	94% (2009)	97%
Relief and Social Services	Result	Number of vulnerable refugees benefiting from CBO services/activities (i.e. Skills training for women and rehabilitation services for persons with disabilities)	214,419 (2009)	213,419
Emergency programme West Bank/ Gaza	Result	Percentage of daily caloric needs (2,100 kCals) met through UNRWA's emergency food aid programme	60% in Gaza, 27% in West Bank (2009)	GFO: 61% WBFO: 27%
Emergency program West Bank/Gaza	Result	Number of job days of employment created for poor families	West Bank: 1,181,918 Gaza: 2,768,748 job days created (2009)	WBFO: 2,215,200 GFO: 3,808,300
Process Monitoring: OD Program	Result	Biennium plans and budgets produced that are prioritized, evidence based, monitored periodically within the overall Medium Term Strategy (MTS) strategy	2010-2011 MTS - based Resource allocation and Biennium Plans	2012-2013 Resource allocation based on the MTS.
Process Monitoring: OD Program	Result	UNRWA M&E system providing timely and accurate management and program information	A functioning central M&E system is in place	Reports used to monitor progress and to make programmatic decisions.
Agency-wide GBV strategy	Output	Referral systems to detect and refer women victims of violence in all UNRWA fields.	Two functional referral systems in the West Bank and Gaza	Functional referral systems in all 5 fields.
Agency policy on Human Rights, Conflict Resolution, and Tolerance Education	Output	The percentage of education staff that successfully completes the HRCRTE training program (The percentage of teachers trained in the revised HRCRTE toolkit).	New indicator; baseline to be established in 2011	

ANNEX 4: ACTIVITIES RELATED TO CONFORMANCE WITH FUNDING CONDITIONS IN SECTION 301(C)

	Yes	No	Notes
General			
1. Agreement by the Agency to conform to, consistent with UN resolutions and rules, conditions on U.S. Contributions in framework and funding agreements with the U.S. Department of State.			
2. Five meetings every six months between UNRWA and relevant State Department officials in which section 301(c)-related issues are discussed.			
3. Written communication between UNRWA and relevant State Department officials on section 301(c)-related issues.			
Neutrality of staff/personnel			
4. UNRWA checks staff against UN1267 Sanctions Committee list once every six months.			
5. Provision of lists of Agency staff members to host governments, the Palestinian Authority, Egypt and Israel on an annual basis and other UN member states upon request.			
6. Communication to staff about appropriate behavior consistent with UNRWA's neutrality rules/regulations at least once per field every year.			
7. Prompt initiation of investigations upon receipt of information about alleged staff/personnel misconduct.			
8. Immediate efforts taken to seek information from authorities when staff are detained/convicted, etc.			
Neutrality of beneficiaries			

9. Checks of registered Palestine refugees against UN1267 Sanctions Committee list every six months.			
10. Conduct of verifications and investigations, as appropriate, upon receipt of information about alleged beneficiary conduct of concern and denial of certain forms of service/benefits, when appropriate.			
Neutrality of facilities			
11. UNRWA Operations Support Officer programmes inspect each UNRWA facility in the West Bank, Gaza, and Lebanon at least once every six months to ensure appropriate use.			
12. UNRWA immediately investigates incidents of misuse of facilities and takes immediate steps to assure non-recurrence, including, in appropriate cases, through seeking third party assistance.			
Neutrality of contractors/vendors			
13. Checks of all contractor and vendors against UN1267 Sanctions Committee list every six months.			
14. Inclusion of all appropriate Agency neutrality clauses in Agency contracts.			
15. Details of UNRWA contracts above $100,000 are made publicly available one month after the end of each quarter.			

Annex 25

‘Freed Gaza Hostage Told Starmer that Hamas Held Her in UNRWA Premises, Her Mother Says’, *The Guardian* (31 January 2025)

Israel-Gaza war

Freed Gaza hostage told Starmer that Hamas held her in Unrwa premises, her mother says

British-Israeli Emily Damari was taken on 7 October 2023 and says Hamas denied her medical treatment after shooting her twice

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About this content

Donna Ferguson

Fri 31 Jan 2025 19.07 GMT

The freed British-Israeli hostage Emily Damari spoke to Keir Starmer on Friday and told the prime minister Hamas held her in facilities belonging to the UN refugee agency Unrwa, her mother, Mandy, has said.

Damari, 28, who was released 12 days ago, after more than 15 months in captivity in Gaza, with two fingers missing, also told Starmer that Hamas had denied her access to medical treatment after shooting her twice.

Unrwa said claims that hostages had been held in its premises were “very serious”.

Its spokesperson Juliette Touma told the BBC the UN agency, which was set up to support the relief and human development of Palestinian refugees, and has brought in about 60% of the food aid that has reached Gaza since the war began, did not have access to several of its facilities for many months.

“The vast majority of our buildings were turned into shelter when the war started. There was also very, very little supplies and assistance that the agency could give them.”

She added: “We’ve been calling for the release of hostages for months on end … These claims that hostages have been held in Unrwa premises, even if they were vacated, are absolutely serious.

“We’ve repeatedly called for independent investigations into these claims, including the misuse and disregard of Unrwa premises by Palestinian armed groups. That also includes Hamas.”

An Israeli law banning the activities of Unrwa in Israel came into force on Thursday and international staff were forced to leave, a decision the agency predicted would “sabotage Gaza’s recovery and political transition” and critics say will jeopardise urgent humanitarian aid efforts in the region.

The Israeli government has accused Unrwa, which enjoys widespread international support and has more than 30,000 staff, of employing 190 Hamas and Islamic Jihad militants, and 12 people who took part in the 7 October 2023 attacks. The agency fired nine employees after an investigation but denied knowingly aiding armed groups.

Damari and her mother gave the prime minister an update on Damari’s condition on Friday, and the conditions she lived under while she was held hostage, and then urged Starmer to ensure the Red Cross has access to people still being held captive in Gaza.

“It’s a miracle that she survived, and we need to get aid to remaining hostages now,” her mother posted on X, along with a photograph of her holding the phone for her daughter to speak into.

Damari was taken from her home in the Kfar Aza kibbutz on 7 October and shot in the hand, then “blindfolded and forced into her own car with two other friends”, her family said previously.

Both Damari and her mother thanked Starmer for the government’s help bringing about her release on 19 January, and her mother said the prime minister invited Damari to visit Downing Street when she had recovered.

Annex 26

James G. Lindsay, 'Evaluating UNRWA after the Colonna Report', *The Washington Institute for Near East Policy* (27 June 2024)

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Evaluating UNRWA After the Colonna Report

James G. Lindsay

At left, workers inspect a UNRWA building damaged by an Israeli strike in Gaza's Nuseirat refugee camp; at right, French diplomat Catherine Colonna, head of the UN's review group.
SHUTTERSTOCK, REUTERS

On January 26, 2024, in response to information from Israeli authorities, the commissioner-general of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) announced his decision to "immediately terminate the contracts" of several staff members alleged to have been involved in the October 7, 2023, attack.[1] The goal, according to the statement, was to "protect the Agency's ability to deliver humanitarian assistance." Thereafter, on February 5, 2024, the UN secretary-general appointed an independent review group to evaluate the agency's neutrality.[2] Headed by former French foreign minister Catherine Colonna, the group presented its report to the secretary-general on April 20, 2024, and it was made public two days later.[3] The stated objectives of the Colonna report, as it is

known informally, were "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, and to make recommendations for UNRWA to improve and strengthen in this area, if necessary."[4]

Given its intent to evaluate UNRWA's efforts to ensure neutrality and respond to alleged breaches of neutrality, the report does not purport to investigate either the Israeli allegations that UNRWA Gaza staff members participated in the October 7 atrocities, or the subsequent Israeli allegations that significant numbers of the Gaza staff belong to Hamas and that nearly half have a close relative who is a Hamas member.[5] The secretary-general has directed the UN Office of Internal Oversight Services to address at least the first of those accusations.[6]

The clear majority of the report's fifty recommendations—all of which are addressed in the analysis to follow—deal with managerial problems, such as the need to increase staff and funding resources, boost training, clarify or increase managers' accountability, foster coordination with other organizations, limit the influence of staff unions, employ more women in senior positions, and improve partnerships with other UN and non-UN aid providers in Gaza. That such recommendations needed to be made at all reflects UNRWA's failure to utilize basic principles of competent management. More important, the report identifies two longstanding moral failures: UNRWA's resistance to—and obstruction of—vetting staff for terrorist connections and its refusal to remove from its educational materials content contrary to UN principles, primarily antisemitic, anti-Israel, or pro-violence content. All told, the report's identification of those moral failures along with the many basic management failures amount to a damning indictment of the agency's current and past leadership.

A year ago, the Colonna report would have been welcomed by those who for decades have urged reforms on UNRWA, some of which are identified in the report's recommendations. The discussion, however, largely has moved on from reforms: the primary question now is not how to reform UNRWA but whether the agency should continue to exist at all.[7] The report addresses that latter question only in a conclusory manner—mirroring the view of UNRWA and the UN secretary-general:

> 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.[8]

This paper, for its part, aims to assess what the Colonna report does and does not reveal about UNRWA's managerial and moral failures. The analysis here is not meant as a critique of the report itself—although it does include observations on the relative utility of its many findings.

What the Report Does Not Address

Given that its mandate was limited to "neutrality," the Colonna report ignores many reforms that have been urged on UNRWA for decades, starting with the need to reconcile the agency's definition of a "Palestine refugee" with the universally accepted definition of a refugee set forth in the UN Convention and Protocol Relating to the Status of Refugees. According to the Refugee Convention, as it is known, a person cannot be both a citizen under the protection of that person's state of residence and a refugee.[9] Adhering to this rule would reduce UNRWA's rolls of 5.9 million "Palestine refugees" by nearly a third, prominently including about 1.8 million oxymoronic "citizen-refugees" in Jordan alone. One might also

question whether, given that 146 states and counting have recognized the state of Palestine, UNRWA's "Palestine refugees" living in the West Bank and Gaza—who hold the same political rights as their "non-refugee" neighbors—should be counted under the Refugee Convention.[10] Beyond this, even UNRWA concedes that it provides services to large numbers of people and their descendants who fail to meet the agency's loose standards for a "Palestine refugee," including the so-called economic refugees, a category that includes some poor residents of Gaza and Jerusalem, certain cases foisted on UNRWA by the Lebanese government, some Bedouin, and others.[11] Removing such individuals and their descendants would allow aid to be directed to truly deserving recipients, as would reversing UNRWA's longtime refusal to base its provision of services, such as education and healthcare, on need rather than "Palestine refugee" status.

Lastly, while the report asserts that "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,"[12] it recommends more thorough vetting only for staff members.[13] Because under the Refugee Convention an assortment of crimes can lead to forfeiture of refugee status,[14] and because donors may not wish to provide aid to criminals (or terrorist supporters), the recommendation for increased vetting with regard to staff should be expanded to cover UNRWA beneficiaries, contractors, vendors, nonstate donors, and any other affiliated individual or organization.

What the Report Does Address

The Colonna report delineates eight areas for UNRWA improvement—(1) engagement with donors, (2) governance, (3) management and internal oversight structures, (4) neutrality of staff, (5) neutrality of installations, (6) education, (7) staff unions, and (8) strengthened partnership with UN agencies—followed by recommendations. Each is subjected to analysis in the following sections.

Engagement with donors. The report recommends that UNRWA increase the frequency and transparency of its communications with donors regarding finances and neutrality issues in order to "restore trust." Such an increase in frequency and transparency is obviously desirable and a basic managerial responsibility, but the recommendation begs the question "Why is this not already being done?"—a question that, as shall become apparent, applies to many of the report's recommendations.

Governance. The report suggests that UNRWA's Advisory Commission counsel the agency on fulfilling its mandate, with a standing agenda item on "neutrality," a working group on "neutrality and integrity issues," and "additional governance arrangements to assist in providing strategic direction to UNRWA and improving external communications." Again, the recommendations are unexceptional, and again the question arises: why is this not already being done?[15]

Management and internal oversight structures. Included in the fifteen recommendations here are proposed ways to increase resources for investigating neutrality violations—more investigatory personnel, creation of a "Neutrality Investigation Unit," transfer of investigatory personnel to field offices, interaction with other UN investigatory offices. Suggestions also include periodic evaluation of the investigative offices, characterization of neutrality violations as a "strategic risk," and assigning of responsibility for such risk to "the Deputy Commissioner-General Operational Support." Although adding personnel should speed up investigations of neutrality and perhaps enhance their thoroughness,[16] periodic evaluations of all UNRWA offices should already be occurring as a normal element of good management. Transferring responsibility to a higher-ranking officer, who likely already has other important responsibilities, may or may not strengthen the actual emphasis on neutrality.

The report also suggests that senior local staff receive increased training and increased responsibility for the neutrality of their subordinates, including a requirement for "regular engagements with their teams on neutrality." Again, these recommendations appear to be requiring only the implementation of standard management practice—increased training in an area of perceived deficiency and holding managers responsible for their subordinates' knowledge of rules and behavior.

Two other recommended management improvements seem more peripheral to neutrality. Placing more women in senior local staff positions may well be a sound idea, and "internationalization"—replacing some local senior staff with personnel from abroad, presumably—could reflect a perception that individuals from abroad are less likely to be influenced by local politics and security dynamics.

The next two recommendations—covering publication of and training on a new code of ethics (evidently already updated on February 24, 2024),[17] and increased adherence to the "outside and political activities policy"—make sense, but the latter suggests that UNRWA management thus far has failed to ensure an acceptable level of compliance.

Finally, three recommendations under the subheading "Projects"—involving the role of donors in project management, the engagement of third-party managers, and the compatibility of projects with UNRWA objectives—simply set forth good management practices that already should be in place.

Neutrality of staff. This section is the most responsive to the secretary-general's instructions and includes some ten recommendations. The first three are rather mundane in themselves: updating neutrality rules to address "social media and new technologies," providing training on the updated rules, and creating procedures for dealing with "allegations of irregularities, misconduct or neutrality breaches." Here, the focus on social media adherence may strike some as a surprising acknowledgment of failed existing policy, given the many reports of UNRWA social media breaches already available in open sources.[18] The inability to promulgate and enforce effective rules for dealing with neutrality violations would again reflect the agency's managerial incompetence. Here, moreover, the report misses an opportunity to identify a greater, related problem: UNRWA's seemingly willful refusal to transparently deal with credible, well-supported allegations of staff neutrality violations on social media,[19] despite having many times been alerted to this problem by NGOs.[20]

The next three recommendations involve early screening of UNRWA staff, sharing of staff identities with host countries and Israel, and continuous vetting, especially at promotion. The first of this trio falls short by failing to indicate specific ways to screen—e.g., through lists from host and donor countries, including Israel[21]—and will ring hollow to critics who have advised similarly to UNRWA for well over a decade.[22] As for the second, only since March 2024 has UNRWA revealed to Israel the identification numbers of its staff after decades of not doing so;[23] the former reticence reflected management incompetence at best, intentional concealment of potential terrorist links at worst. The third recommendation appears, once again, to reflect a need for UNRWA to implement basic management practices.

The last three recommendations for this section cover UNRWA detection of improper social media posts, improved reporting of neutrality breaches, and strengthened whistleblower protections. In addition to the seemingly omnipresent questions about management competence these recommendations raise, they beg a series of questions: Has UNRWA previously requested additional funds to strengthen its detection of (well-known) improper social media posts? And if not, why not? Does UNRWA immediately report neutrality breaches to donors and host countries, including Israel? If not, why not? What in the UNRWA whistleblower protection procedure is insufficient, and why has UNRWA not earlier addressed this insufficiency? Why does the report stop short of suggesting wide publicizing of all established neutrality breaches to demonstrate serious intent to address the problem? Finally, these recommendations do not indicate

specific proposed UNRWA remedial actions, making compliance difficult to assess.

This section mentions briefly Israel's allegations of terrorist involvement or close relative association by almost half of UNRWA's Gaza staff,[24] contending that Israel has yet to provide supporting evidence.[25] More narrowly, of the nineteen UNRWA staff members alleged by Israel to have participated in the October 7 massacre, fourteen cases remain under UN investigation, four cases have been suspended due to a lack of information or evidence, and one has been closed due to lack of evidence.[26]

The report, meanwhile, makes a connection between social media neutrality breaches by UNRWA staff and their mental trauma from "incidents of violence affecting colleagues or relatives," and in turn suggests creating five new international positions—one for each UNRWA field of operation—"to ensure that personnel are given a space to discuss these traumatic incidents…" If such new positions are needed, the assignment of counselors should be based on the incidence of violence, thus requiring the heaviest resources in Gaza and a lighter presence in, for instance, Jordan.

Neutrality of installations. The first two of five recommendations in this section concern staff training and publicity campaigns on the civilian nature of UNRWA installations. While such activities cannot hurt, the report cites no evidence that UNRWA staff or the civilian population actually lacks this understanding or that such a factor has played into past breaches of neutrality. During the author's several years with UNRWA, a misunderstanding of the civilian nature of installations never figured in breaches of their neutrality.

As called for next, installation inspections more frequent than the current quarterly regime and more wide-ranging might in theory be useful, but in practice—especially if conducted by local staff, who can be more subject to pressure from state or de facto authorities—they are unlikely to make much difference.

The last two recommendations in this section—on strengthening collaboration with host countries and Israel regarding misuse of installations (including joint visits) and transparently informing donors of misuse of UNRWA's installations—reflect positive steps, but they again cast a glaring light on past managerial failures. All such breaches must be reported to all donors and host nations, including Israel, and be publicized to demonstrate UNRWA's seriousness in addressing the problem. Secrecy can only be justified if publicizing information would compromise an active investigation.

Education. While the exact nature of the recommendation is not clear, potentially the most significant initiative in this section involves calls for "digitalization of educational content" and "the use of digital teaching platforms to increase transparency." As it stands, the largely if not solely in-person system allows much leeway to educators, even as reports have suggested that some could be connected to terrorist groups.[27] In an environment inflected with extremism, even otherwise neutral teachers can face threats to present materials dictated by the government or de facto authorities. If UNRWA provides prerecorded or live lessons transmitted directly from the headquarters, then it could be assured that at least part of the official curriculum would reach students. Moreover, a two-way connection would allow headquarters to monitor what is actually being taught in classrooms—information it now receives only via reports from its local staff.

The report also recommends reviewing UNRWA's textbooks and supplements with host countries, including Israel and the Palestinian Authority, banning hate speech/racism/incitation of violence from textbooks and supplements, and conducting annual reviews of textbooks and supplements with guidelines provided by the UN Educational, Scientific, and Cultural Organization and conducting reviews with UNESCO. Such recommendations mirror those repeatedly made to and ignored by the agency over several decades.[28] That these recommendations are still needed is a scandal and represents a monumental failure of current and

past management. Nevertheless, one can hope that UNRWA will now follow this counsel, even as the recommendations should be broadened from "textbooks and supplements" to "all educational materials."

After a recommendation encouraging the "empowerment of women to take managerial responsibilities within the UNRWA education system"—admirable on its own but lacking an apparent connection to neutrality—the report offers two further suggestions regarding neutrality in the classroom: the first calling for a hotline to report "problematic teaching content and to support teachers seeking advice" and the second supporting "teaching inspections in classrooms." As with the inspections of UNRWA installations, these initiatives may be useful in principle, but local staff facing pressure from state or de facto authorities may fear using the hotline or reporting accurately on their "teaching inspections."

The final education-related recommendation suggests "establishing" training for UNRWA principals and teachers regarding neutrality, humanitarian principles, and human rights. If the existing training is insufficient, this would again be a matter of basic managerial competence; if such training truly needs to be "established," however, that would reflect a major failing on the part of current and previous UNRWA management. Such values obviously should have been taught from the start, and they must be instilled thoroughly if the system is to have any hope of fostering a generation free of prejudice.

Staff unions. This section encompasses six recommendations, none directly linked to neutrality. They involve (1) better aligning the UNRWA statute regulating staff unions with the UN system—an apparently reasonable suggestion; (2) increasing "workforce representativity [*sic*]," including of women—an issue addressed in other sections; (3 and 4) procedures for vetting current and newly elected staff union representatives, another apparently useful suggestion, even as vetting union candidates before they hold office might be preferable; (5) outsourcing pay and pay-related benefits, a step that could beneficially reduce friction between staff unions and UNRWA management; and (6) exploration of additional options for staff representation, which also could prove beneficial.

Strengthened partnership with UN agencies. The three recommendations included in this section constitute the most interesting political statements in the report: (1) that non-UNRWA humanitarian organizations should strive to "sustain and scale up support to UNRWA's humanitarian operations in Gaza"; (2) that UNRWA should increase its coordination with other humanitarian organizations; and (3) that UNRWA should "drive an internal cultural shift" that would facilitate more effective work with other humanitarian organizations. These recommendations are striking given an (undenied) report that the UN secretary-general has told other UN organizations that they should *not* accept additional funds or responsibilities in Gaza that would diminish the funds available to UNRWA or encroach on its responsibilities.[29] Amid Israel's refusal to work with UNRWA in Gaza,[30] however, the report appears to be urging the provision of aid in the territory by whatever means possible, with UNRWA cooperation when other groups assume its previous functions. On this matter, observers should pay close attention to the rhetoric and actions of UNRWA, the secretary-general, and other UN agencies.

The Elephant in the Room

Recommendations to improve UNRWA's neutrality are unlikely to prompt significant changes so long as the agency is operating in an environment like Gaza, where the de facto authority is a terrorist group. The overarching problem is that UNRWA can train its staff on neutrality, proper procedures, educational curriculums, and the like, but when it comes to actions—e.g., teaching anti-Israel or antisemitic material—staff members do what Hamas or like-minded actors tell them to do, whether out of conviction or intimidation. Moreover, the costs of

deviating from Hamas are likely much higher than the costs of not following UNRWA's demands: anti-Hamas transgressions will reach the group via local staff (e.g., fellow teachers) or UNRWA beneficiaries (e.g., students), whereas anti-UNRWA actions are unlikely to reach the agency's few top-ranking international officers (local staff would not dare tell them). In the best case, following the report's recommendations may improve UNRWA's internal operations, but doing so is unlikely to achieve more than surface-level enhancements to neutrality in a territory subject to Hamas rule.

Conclusion

The Colonna report makes some useful suggestions, but the obvious nature of many of the fifty recommendations points to scandalous mismanagement at UNRWA over many decades. Moreover, the longtime insistence on not properly vetting staff members to avoid employing terrorists or terrorist supporters, and on not removing educational materials containing content contrary to UN principles, reflects not just a management a failure but a moral failure. The current commissioner-general—and all the officials who in particular ignored earlier, oft-repeated calls for similar or even identical reforms—should resign or face dismissal.

Limited in its scope by the secretary-general, the report fails to offer remedies for many troubling policies, starting with the need to reconcile the agency's definition of a "Palestine refugee" with the universally accepted definition set forth in the UN Refugee Convention. In addition, the UN should examine why UNRWA, after seventy-five years in existence, is still providing governmental services for "Palestine refugees" who—by UNRWA's own admission[31]—have lived for generations in areas where the local government operates a parallel system providing the same services. The UN should propose transferring UNRWA's resources to those local governments, which derive financial benefit from the presence of "Palestine refugees" without providing them with governmental services. ❖

NOTES

1 Philippe Lazzarini, "Serious Allegations Against UNRWA Staff in the Gaza Strip," UNRWA, January 26, 2024, https://www.unrwa.org/newsroom/official-statements/serious-allegations-against-unrwa-staff-gaza-strip.

2 "Guterres Appoints Independent UNRWA Review Panel," *UN News*, February 5, 2024, https://news.un.org/en/story/2024/02/1146207.

3 See UN, "Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality," final report for the United Nations secretary-general, April 20, 2024, https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf.

4 UN, "Independent Review," 3, https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf. The elision appears in the original text of the report, while the secretary-general's tasking, as set out in the annex (p. 47), describes the "context" to be "taken into account" to include "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…" The elision may have been intended to better allow recommendations not overly limited by the consideration of the secretary-general's elaboration of the "context."

5 See, e.g., Carrie Keller-Lynn and David Luhnow, "Intelligence Reveals Details of UN Agency Staff's Links to Oct. 7 Attack," *Wall Street Journal*, updated January 29, 2024, https://www.wsj.com/world/middle-east/at-least-12-u-n-agency-employees-involved-in-oct-7-attacks-intelligence-reports-say-a7de8f36.

6 See "Statement from the Spokesperson of the UN Secretary-General on the OIOS Investigation Regarding Allegations Against UNRWA Staff," UNRWA, April 26, 2024, https://www.unrwa.org/newsroom/official-statements/statement-spokesperson-un-secretary-general-oios-investigation.

7 James G. Lindsay, *Options for UNRWA: From Systemic Reform to Dissolution*, Policy Note 146 (Washington DC: Washington Institute, 2024), https://www.washingtoninstitute.org/policy-analysis/options-unrwa-systemic-reform-dissolution.

8 UN, "Independent Review," 4, https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf. In reality, UNRWA is not at all irreplaceable. In all five UNRWA fields of operation (Jordan, Lebanon, Syria, the Gaza Strip, and the West Bank, including East Jerusalem), the local authorities provide those residents whom UNRWA has not designated "Palestine refugees" with services, such as education and healthcare, more or less mirroring services provided by UNRWA. If the agency's resources were transferred to these local authorities, they could expand their operations—in most cases utilizing at least some of the same personnel currently employed by UNRWA. Moreover, if necessary, many UNRWA functions could be taken over temporarily by other UN entities, e.g., the World Food Program, which could expand its food distribution operations in Gaza specifically.

9 UN Convention and Protocol Relating to the Status of Refugees, Article 1.C(3), https://www.unhcr.org/us/media/convention-and-protocol-relating-status-refugees.

10 See "Mapping Which Countries Recognise Palestine in 2024," *AJLabs*, updated May 28, 2024, https://www.aljazeera.com/news/2024/5/22/mapping-which-countries-recognise-palestine-in-2024. Not only does citizenship preclude refugee status, but so does a situation in which the putative refugee is "a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country." UN Convention and Protocol Relating to the Status of Refugees, Article 1.E, https://www.unhcr.org/us/media/convention-and-protocol-relating-status-refugees.

11 UNRWA, "Consolidated Eligibility and Registration Instructions," January 1, 2009, Article III.A.2, https://www.unrwa.org/resources/strategy-policy/consolidated-eligibility-and-registration-instructions.

12 UN, "Independent Review," 22, https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf.

13 UN, "Independent Review," 24, recommendations 22–25, https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf.

14 The full passage describes these crimes: "(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; (b) he has committed a serious non-political crime outside the country of refuge prior to his admission

to that country as a refugee; (c) he has been guilty of acts contrary to the purposes and principles of the United Nations." UN Refugee Convention, 16, https://www.unhcr.org/us/media/convention-and-protocol-relating-status-refugees.

15 Furthermore, the report indicates that even a step so seemingly uncontroversial as removing material contrary to UN principles from UNRWA textbooks failed to receive agreement from the Advisory Commission. Indecisiveness on such an easy choice not bode well for the commission as an arbiter of political or otherwise sensitive issues. UN, "Independent Review," 7, https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf.

16 The report indicates fifty ongoing breach-of-neutrality investigations, a task evidently suffering from a "clear capacity challenge." UN, "Independent Review," 14, https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf.

17 UN, "Independent Review," 20, https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf.

18 See, e.g., Hillel Neurer and Dina Rovner, "Submission by United Nations Watch to the Independent Review Group on UNRWA Neutrality," April 9, 2024, https://unwatch.org/wp-content/uploads/2024/04/United-Nations-Watch-Submission-to-UNRWA-Review-Group.pdf.

19 Neurer and Rovner, "Submission by United Nations Watch," https://unwatch.org/wp-content/uploads/2024/04/United-Nations-Watch-Submission-to-UNRWA-Review-Group.pdf. As recounted by UN Watch, when the group submits social media neutrality breaches to UNRWA, it receives no feedback on actions involving associated personnel.

20 See, e.g., UN Watch, *UNRWA's Terrorgram: How a Telegram Group of 3,000 UNRWA Teachers in Gaza Celebrated the October 7th Hamas Massacre* (Geneva, January 2024), https://unwatch.org/wp-content/uploads/2024/01/UN-Watch-UNRWA-Terrorgram-.pdf; see also "Submission by United Nations Watch," https://unwatch.org/wp-content/uploads/2024/04/United-Nations-Watch-Submission-to-UNRWA-Review-Group.pdf.

21 See James G. Lindsay, *Fixing UNRWA: Repairing the UN's Troubled System of Aid to Palestinian Refugees*, Policy Focus 91 (Washington DC: Washington Institute, 2009), 59–60, https://www.washingtoninstitute.org/policy-analysis/fixing-unrwa-repairing-uns-troubled-system-aid-palestinian-refugees.

22 Lindsay, *Fixing UNRWA*, https://www.washingtoninstitute.org/policy-analysis/fixing-unrwa-repairing-uns-troubled-system-aid-palestinian-refugees.

23 UN, "Independent Review," 20, https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf. As UNRWA is well aware, identifying staff members using only names is often worthless given their frequent similarity—like using "John Smith" in a U.S. context.

24 See Keller-Lynn and Luhnow, "Intelligence Reveals Details," https://www.wsj.com/world/middle-east/at-least-12-u-n-agency-employees-involved-in-oct-7-attacks-intelligence-reports-say-a7de8f36. As a practical matter, UNRWA does not disqualify terrorist operatives, terrorist group members, terrorist group supporters, or individuals related to terrorist group supporters in its hiring process, and recent polls have shown at least 40–50 percent support for Hamas in Gaza, suggesting that the Israeli figures are likely roughly correct. For UNRWA hiring practices, see Lindsay, *Fixing UNRWA*, 41 and fn. 16, https://www.washingtoninstitute.org/policy-analysis/fixing-unrwa-repairing-uns-troubled-system-aid-palestinian-refugees. For support of Hamas in Gaza, see "Public Opinion Poll No (92)," Palestinian Center for Policy and Survey Research, June 12, 2024, https://www.pcpsr.org/en/node/980.

25 UN, "Independent Review," 22, https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf.

26 See Reuters, "UN Gives Update on UNRWA Staff Accused by Israel of Oct. 7 Involvement," *Jerusalem Post*, April 26, 2024, https://www.jpost.com/israel-hamas-war/article-798821.

27 Dan Williams and Gabrielle Tétrault-Farber, "Israel Accuses 190 UN Staff of Being 'Hardened' Militants," Reuters, January 29, 2024, https://www.reuters.com/world/middle-east/israeli-intelligence-accuses-190-gaza-un-staff-hamas-islamic-jihad-roles-2024-01-29/.

28 See, e.g., Lindsay, *Fixing UNRWA*, 60–61, https://www.washingtoninstitute.org/policy-analysis/fixing-unrwa-repairing-uns-troubled-system-aid-palestinian-refugees.

29 Colum Lynch, "Exclusive: U.S., UN Clash over Beleaguered Palestinian Refugee Agency," Devex, February 20, 2024, https://www.devex.com/news/exclusive-us-un-clash-over-beleaguered-palestinian-refugee-agency-107097.

30 Jacob Magid et al., "Israel Wants UNRWA out of Gaza After Staffers Fired for Involvement in Oct. 7 Onslaught," *Times of Israel*, January 27, 2024, https://www.timesofisrael.com/israel-to-seek-to-end-unrwa-gaza-activities-after-staffers-fired-for-oct-7-involvement/. UNRWA commissioner-general Philippe Lazzarini says Israel has denied him permission to enter Gaza from Israel, and on May 7, 2024, Israeli forces occupied the Gaza side of the lone Gaza-Egypt border crossing. See UNRWA, "#Gaza: The Israeli Authorities Continue to Deny Humanitarian Access to the United Nations," May 5, 2024, https://www.unrwa.org/newsroom/official-statements/gaza-israeli-authorities-continue-deny-humanitarian-access-united-nations; and Einav Halabi and Yoav Zitun, "IDF Seizes Control of Rafah Border Crossing, Palestinians Say," Ynetnews, May 7, 2024, https://www.ynetnews.com/article/r8ol0zqkt.

31 See references to "basic education and community health, [which] are parallel to host government services," in UNRWA, "Commissioner-General's Statement at Ministerial Conference: 'Refugees in the Muslim World,'" May 14, 2012, https://www.unrwa.org/newsroom/official-statements/commissioner-generals-statement-ministerial-conference-refugees-muslim.

The Author

JAMES G. LINDSAY is a former visiting fellow at The Washington Institute who previously served as legal advisor and general counsel to UNRWA. He has also worked as an attorney in the Criminal Division of the U.S. Department of Justice, and as the force counsel and the general counsel for the Multinational Force and Observers. Lindsay authored the recent Institute essay *Options for UNRWA: From Systemic Reform to Dissolution*.

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Annex 27

Letter from the Permanent Representative of Israel to the UN Secretary-General, 5 August 2024

Ambassador Gilad Erdan
Permanent Representative of Israel to the United Nations

גלעד ארדן
משלחת ישראל לאומות המאוחדות

H.E. Mr. António Guterres
Secretary-General
United Nations
New York

August 5, 2024

Dear Secretary General,

It is our understanding that the OIOS investigation team has completed their work on the report regarding the 19 UNRWA employees, and it was recently presented to the you. We also saw from the media and statements from the UN, that the report has already been viewed by a number of member states and the report's main finding were made public.

We wish to state that throughout the period of their work, the OIOS team acknowledged the full and complete cooperation from Israel. The team members themselves made it a point to refer to the high level of cooperation they encountered from the Israeli authorities.

In light of this and the implications of the report itself, we are kindly requesting that Israel is given access to view the report that has been submitted.

Furthermore, remarks and media reports over the past months questioned and raised doubts about Israel's cooperation with OIOS and its requests. We, therefore, feel that a public statement is now essential from the UN, to make it quite clear, that Israel cooperated fully with the investigation, and to correct the impression that was created in this regard.

Sincerely,

Ambassador Gilad Erdan
Permanent Representative of Israel to the United Nations

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Annex 28

Letter from the Acting Director of UNRWA's Department of Legal Affairs to the Director of Department for UN Political Affairs Ministry of Foreign Affairs of Israel, 8 May 2024

DocuSign Envelope ID: 0E422B3E-7931-45A5-A3B2-DB0DB3087F84

Mr. Alon Simhayoff
Director, Department for UN Political Affairs
Division for the UN and International Organizations
Ministry of Foreign Affairs

By Email: Alon.Simhayoff@mfa.gov.il

8 May 2024

Dear Director Alon Simhayoff,

I refer to my letters to you of 17 February 2024 and 31 March 2024, wherein I referred to allegations made by Israeli officials that UNRWA personnel had participated in the appalling attacks led by Hamas against Israel on 7 October 2023, and requested that where Israel is in possession of information that supports allegations of this nature, that these allegations be raised formally by Government of Israel officials with the Agency at the earliest possible moment, and the Agency be provided with the information supporting the allegations. As noted, where no formal allegations are raised directly with the Agency, together with supporting information, the Agency cannot proceed based solely on unverified and unsupported public statements.

Concerning the Agency's efforts to ensure neutrality, I confirm that on 5 February 2024, the Secretary-General appointed the Independent Review Group, led by Ms. Catherine Colonna to assess whether UNRWA is doing everything within its power to ensure neutrality and respond to allegations of serious neutrality breaches. On 20 April 2024, Ms. Colonna presented the report of the Independent Review Group, detailing her findings, including her observations and recommendations on the Agency's engagement with Israel on these matters ("Report").

The Report noted that in accordance with procedures established under the Convention on the Privileges and Immunities of the United Nations of 1946 ("**the General Convention**"), UNRWA annually shares staff lists with Israel and other States and that "[i]t is then the responsibility of these States to alert UNRWA of any information that may deem a staff member unworthy of diplomatic immunity". To this end, the Agency relies on States to provide information in their possession suggesting inappropriate conduct by staff members, whereupon the Agency may follow up with appropriate steps and, if justified, appropriate measures to address the alleged wrongdoing.

Concerning information shared by Israel, the Report noted "the Israeli Government has not informed UNRWA of any concerns relating to any UNRWA staff based on these staff lists since 2011." In light of the foregoing, the Report made the following recommendations. First, the Agency should "[i]mplement 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". Second, host counties and Israel should "[i]n response [...] provide UNRWA with screening results and evidence of any red flags." (Recommendation 23).

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Consistent with this recommendation, on 6 March 2024, by Note Verbale, the Agency shared with you the updated staff list of staff assigned to the Agency's West Bank Field Office, Gaza Field Office, and Headquarters (Jerusalem and Gaza) during the period 1 January and 31 December 2023, including the identity numbers of the staff.

Concerning information allegedly held by Israel regarding these staff, the Report noted that "[o]n 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." For the Agency to take these allegations forward, it is imperative that Israel provide any information it possesses to the Agency.

In addition to shared responsibilities between the Agency and host countries regarding allegations against individual staff members, the Report also addressed the issue of critical breaches of UNRWA facilities. The Report observes that "(c)ritical 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." Concerning these critical breaches, the Report observes that: "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." In these circumstances, the Report observed that "[a]s 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". To this end, the Report recommended that the Agency "[s]trengthen 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." (Recommendation 32).

In essence, the Report recommends that the Agency and Israel cooperate closely on neutrality issues. Where Israel is in possession of information that may suggest a neutrality breach by UNRWA personnel or affecting UNRWA installations, it is imperative that the Agency is informed, and all supporting information and evidence is provided to the Agency.

I confirm that UNRWA is committed to taking all necessary and appropriate investigative and accountability measures to address credible allegations of breaches of neutrality swiftly and effectively.

Accordingly, I reiterate the request detailed in my letters to you of 17 February 2024 and 31 March 2024 and seek all information in Israel's possession concerning any allegations that UNRWA personnel may have been involved in wrongdoing and/or have breached the principles of neutrality upheld by UNRWA.

I thank you for your continued engagement and collaboration on these important issues.

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Yours sincerely,

MARGETTS, Stephen

Stephen Margetts
Acting Director, Department of Legal Affairs
UNRWA

Annex 29

Letter from the Ambassador Deputy Director General for the UN and International Organizations Division Ministry of Foreign Affairs of Israel to the Chef de Cabinet Executive Office of the UN Secretary-General, 13 May 2024

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM

משרד החוץ
ירושלים

May 13, 2024

Mr. Earle Courtenay Rattray
Chef de Cabinet
Executive Office of the Secretary General
United Nations

Dear Mr. Rattray,

I would like to address you concerning the unprecedented infiltration of a terrorist organization into the ranks of a UN agency, namely UNRWA. Israel has fully cooperated with both the OIOS investigation and the Independent Review Group led by Ms. Colonna. This was publicly acknowledged by Ms. Colonna herself. Israel has also provided the OIOS with sensitive intelligence-based information. The Israeli cooperation with both committees was offered despite the fact that Israel was not consulted concerning the scope of their work or its terms of reference.

As you well know, according to the information provided to OIOS and Ms. Colonna by Israel, Hamas has infiltrated UNRWA-Gaza's ranks in a systematic and extensive way, including through the employment of several hundreds of terrorist operatives by UNRWA. However, during our meetings with the OIOS investigators and with the Independent Review Group led by Colonna, it was clarified to us time and again that neither of them holds the mandate to investigate the broader issue of the employment of Hamas and PIJ members by UNRWA. The OIOS is just investigating the cases of 19 UNRWA employees who are suspected in involvement in the October 7th massacre, and Ms Colonna declared that she is not investigating the list that was given to her, which included hundreds of names.

Since neither OIOS nor the Independent Review Group led by Ms. Colonna were officially mandated to investigate this issue, the practical ramification is grave: no UN agency is investigating the most extensive infiltration ever of a UN body by a terrorist organization. This is a very disturbing and worrying development, especially in view of the severity of the accusations and the implications on the security of Israel.

I wish to recall that in her final report (submitted to the UN SG on April 20, 2024) Ms. Colonna clearly stated that *"Any involvement in a militarized group that promotes discrimination or violence, such as Hamas or Islamic Jihad, violates the principle of neutrality."* In light of this unambiguous statement, Israel demands that the UN will implement this principle in a clear way.

In the meantime, hundreds of operatives continue to receive salaries from the UN while actually serving a terrorist organization whose only raison d'être is to eradicate Israel, and all this is happening with the knowledge and tacit consent of the UN. I would like to make it clear that the employment of members of Hamas, PIJ or other Palestinian

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terrorist organizations by UNRWA-Gaza poses a severe and unacceptable security risk to Israel, the Palestinian population as well as to the UN itself. In that regard, it should be stressed that the exact function of an UNRWA employee in a terrorist organization makes no difference, and that Hamas and PIJ are internationally designated terrorist organizations in their entirety. In fact, currently there is a gap between the policy of UNRWA, which employs hundreds of Hamas and PIJ members, and that of many donor countries, who have already designated both as terrorist organizations.

Following the clear demand of a donor countries from UNRWA, Israel was recently finally provided with the long-awaited list of UNRWA employees. Based on this list, Israel presented the OIOS and the Colonna commission a list of hundreds of terrorists employed by UNRWA-Gaza. It is worth mentioning that due to the sensitivity of the sources, the list that was provided so far is a partial one and the actual scope of the infiltration of terrorists to UNRWA is much larger.

Israel expects that the result of this vetting process would be the UN taking concrete steps in order to immediately terminate the employment of these terrorists. The attempt to ignore the Israeli vetting and to belittle the situation is unacceptable.

Sincerely,
A. Weissbrod

Ambassador Amir Weissbrod
Deputy Director General for UN and International Organizations Division

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

Ms. Fatoumata Ndiaye
USG for Internal Oversight Services
United Nations

Mr. James Finniss
Deputy Director Investigations Division
Vienna Regional Office
UN Office of Internal Oversight Services

Mr. Philippe Lazzarini
Commissioner General
UNRWA

Annex 30

Letter from the Director of Department for the UN Political Affairs Ministry of Foreign Affairs of Israel to the Special Assistant to the UN USG for Safety and Security, 30 May 2024

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM

משרד החוץ
ירושלים

May 30, 2024

Ms. Elena Rice-Howell
Special Assistant to the USG for Safety and Security
United Nations

Dear Elena,

Following our conversation in Jerusalem concerning the systematic infiltration of the terrorist organization Hamas into the ranks of UNRWA, I wish to draw your attention to a very disturbing incident that occurred in an UNRWA warehouse in Rafah on May 11. This development has been brought to the attention of the UN by COGAT through letters sent to Deputy Special Coordinator/UNSCO and to UNRWA Head of Operations in Gaza (both letters dated May 16).

As described in the letters, the IDF identified multiple armed militants inside the UNRWA compound in the presence of individuals wearing blue UN vests who were entering and exiting clearly marked UN vehicles. In an interaction between IDF officials and UNRWA representatives that followed this incident, UNRWA provided contradicting versions to the state of affairs. According to one version, UNRWA coordinated with the "local authorities" (i.e. Hamas) the presence of these armed persons in the UN compound in order to protect it. According to the other version, UNRWA had evacuated the compound but left behind the UN vehicles.

Whether it is this version which is correct or the other, UNRWA's behavior is quite troubling and poses security risks to both Israel and legitimate UN staff. The presence of armed men in UNRWA's premises upon coordination between UNRWA and Hamas is a serious breach of neutrality and exposes the compound as well the people present in it to major security risks. Moreover, the practice of leaving UN-marked vehicles unattended at evacuated facilities does not only constitute a serious breach of UNRWA's neutrality, which as you know is under serious doubts, but also undermines the UN integrity. Hamas and other terrorist organizations in the Gaza Strip have absolutely no qualms about using UN or civilian objects and infrastructures for their military and terrorist purposes. In accordance, **we expect UNRWA not to abandon UN vehicles, and if UN vehicles are being left unattended or UN premises are evacuated, Israel expects the UN to update the IDF immediately,** in order to mitigate associated risks.

As I mentioned in our meeting in Israel, we believe that **the systematic infiltration of Hamas into the ranks of UNRWA-Gaza, including by the employment of hundreds**

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of terrorist operatives, the presence of armed men in UNRWA premises and the terrorist infrastructure which was established in UNRWA facilities, pose various security risks and therefore the office of UNDSS should interfere and make sure that the situation within UNRWA is rectified. Israel has provided the UN with a list of hundreds of terrorists employed by UNRWA. However, up until now, no UN agency has investigated the most extensive infiltration ever of a UN body by a terrorist organization. Neither OIOS nor the independent review group led by Colonna received the mandate to do so.

The incident presented in details in the attached letter is just one example of the problematic nature of the relations between UNRWA and Hamas, which creates security risks that cannot be ignored. Since your office is responsible for ensuring the safety and security of UN personnel as well as the security of United Nations premises and assets, I would like to draw your attention to this grave matter. I ask the UNDSS to do all in its power to make sure UNRWA adheres to the principle of neutrality, as this issue creates potential security implications that are relevant to your field of responsibility.

Sincerely,

Alon Simhayoff
Director
Department for UN Political Affairs

Annex 31

Letter from the Deputy Director General for the UN and International Organizations Division Ministry of Foreign Affairs of Israel to the Commissioner-General of UNRWA, 4 July 2024

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM

משרד החוץ
ירושלים

July 4, 2024

H.E. Philippe Lazzarini
Commissioner General
UNRWA

Dear Mr. Lazzarini,

Hamas' infiltration into the ranks of UNRWA has been a recurring concern, which was brought to your attention as well as to your predecessors and other senior UN officials by Israel in past years. However, the full scope of this unprecedented infiltration was unknown and became clear only after the October 7th terrorist attack on Israel, in which, as you know, UNRWA employees actively participated. In recent months Israel has discovered that hundreds of terrorists, members of Hamas and Palestinian Islamic Jihad (PIJ), have been employed by UNRWA in the Gaza Strip, some of them holding high-ranking positions in UNRWA or in Hamas. Moreover, dozens of UNRWA premises in the Gaza Strip included within them or in their immediate surroundings permanent terrorist infrastructures such as tunnels, tunnel shafts, operation rooms, weapon caches etc. These were used by Hamas against Israel, including UNRWA's main headquarters in Gaza which provided electricity for Hamas' main data server built under the headquarters. The longstanding problem of incitement for hatred, Jihad and glorification of terrorism in UNRWA's educational system has a direct connection to the issue of employment of Hamas members, as many of these terrorist operatives hold positions of authority within UNRWA, such as school principals and deputy school principals.

I wish to recall that Ms. Catherine Colonna, former French Foreign Minister, who led the Independent Review Group on UNRWA, determined in her final report (p. 20) that ***"any involvement in a militarized group that promotes discrimination or violence, such as Hamas or Islamic Jihad, violates the principle of neutrality."***

I would like to take this opportunity and share with you some additional information on this matter. Based on the digital list of employees which UNRWA provided Israel after recurring requests, we managed to expose Hamas and PIJ operatives employed by UNRWA. **Please find attached a document containing 108 names and IDs of terrorist operatives who are currently employed by UNRWA-Gaza. This list includes their military IDs as well.** This is a small fraction of the wider list of hundreds of members of Hamas and PIJ – two designated terrorist organizations in almost all of UNRWA'S major donors and in Israel- who are employed by UNRWA. The full list has not been released yet, due to intelligence considerations.

Compiling this partial list of terrorists employed by UNRWA is just a first step – now action needs to be taken. Israel expects from you and your organization to immediately terminate the employment of any member of Hamas or PIJ, including the specific individuals that appear in the list attached to this letter. Their work in UNRWA poses a security risk for Israel, and represents a breach of the principle of neutrality as was mentioned in Ms. Colonna's report.

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We expect you to take immediate action on this regard. This list will also be provided to major UNRWA donors. As was mentioned, this is an initial list including names of individuals that we are currently able to release. We intend to release an expanded list with additional names in the near future. This is a test case for the UN and UNRWA regarding the respect for the principle of neutrality and to the implementation of Ms. Colonna's report.

Sincerely,

A. Weissbrod

Amir Weissbrod
Deputy Director General

Ambassador Amir Weissbrod

Deputy Director General for UN and International Organizations Division

CC: Mr. Earle Courtenay Rattray

Chef De Cabinet

Executive Office of The Secretary General

United Nations

ID	Military number	Employee name	Employee name (Arabic)	Organization
400031381	553537	Mahmoud Maher Sammour	محمود ماهر عبدالله سمور	Hamas
400127866	685613	Mohammad Said Musallam	محمد سعيد محمود مسلم	Hamas
400152328	619303	Yousef Akram Wadi	يوسف اكرم محمد وادي	Hamas
400162251	464049	Mohammad A Naser Okasha	موحمد عبد الناصر محمود عوكاشه	Hamas
400597985	891199	Ahmad Hammad Abu Jalhoum	احمد حماد ابراهيم ابوجلهوم	Hamas
400606505	402257	Hamza Mustafa Abu Touha	حمزه مصطفا حسن ابو توها	Hamas
400869228	266738	Mohammad A Raouf Badran	محمد عبدالرئوف محمود بدران	Hamas
401092416	758688	Mustafa Sulaiman El Farra	موصطفا سليمان نصرالله فرا	Hamas
401188990	429457	Rabie Zaher Al Tanani	ربيع زاهر ربيع طنانى	Hamas
401765573	845710	Omar Nimat Abu Mustafa	عمر نعمات موحمد ابو موصطفا	Hamas
401866223	571387	Abed El Karim Nasr El Kahlout	عبد الكريم نصر حليل كحلوت	Hamas
410079578	977466	Muntaser Said Zuraid	مونتصر سعيد فايز زريد	Hamas
410550099	710830	Ahmad Yousef Abu Rahma	احمد يوسف محمد ابوحرحمه	Hamas
411152200	710627	Ahmad Ramadan El Masri	احمد رمدان سليمان مصري	Hamas
414607796	626221	Munir Omar Lubbad	منير عمر ابراهيم لبد	Hamas
800015687	972064	Mohammad Tawfiq El Ghafari	محمد توفيق ابراهيم جفاري	Hamas
800019549	266701	Ahmad Ali Abu Zayda	احمد علي احمد ابو زايده	Hamas
800378549	138658	Rami Sadi El Hilu	رامي سعدي موسا حلو	Hamas
800383143	280338	Walid Mohammad Abu Shammala	وليد محمد محمود ابو شعاله	Hamas
800397655	381405	Umar Khader Abu Muhaisen	عومر حضر حميس ابو محيسن	Hamas
800405813	328410	Hamdi Yousef El Qedra	حمدي يوسف ابراهيم قدره	Hamas
800550402	419329	Usama Atiyeh Abu Shaar	اوسامه عطيه محمد ابو شعر	Hamas
800564668	898352	Mahmoud Taysir Abu Dan	محمود تيسير عبد ابو دان	Hamas
800695975	666768	Bilal Imad El Swairki	بلال عماد رضوان سويركي	Hamas
800848194	618637	Rami Fawzi El Shafei	رامي فوزي محمود شافعي	Hamas
800848251	263892	Raed Khaled Abu Mukhadda	رايد خالد عبدالله ابو محدده	Hamas
801127333	642338	Walid Bashir Ramadan	وليد بشير شعبان رمضان	Hamas
801140351	917516	Alaa Jameel Abu Anza	علا جميل عبد العزيز ابو عنزه	Hamas
801199381	604074	Mosab Jamal Abu Sal	مصعب جمال محمود ابوسل	Hamas
801276098	530468	A Rahman Atiya Abu Awad	عبد الرحمان عطيه سالم ابو عوده	Hamas
801288978	381114	Ahmad Mohammad Murtaja	احمد محمد حمدان مرجا	Hamas
801432501	744782	Mohammed Kamal El Maqqousi	محمد كمال عبد العزي مقوسي	Hamas
801528050	304201	Majdi Ahmad El Hashash	مجدي احمد برهم حشيش	Hamas
801893991	278225	Munib Salem El Masri	مونيب سالم ممدوه المصري	Hamas
801968587	696222	Ismail Zeyad AlSahhar	اسماعيل زياد اسمعيل سحار	Hamas
802020768	754605	Mohammad Nasr Fahajan	محمد نصر حليل فحجان	Hamas
802028886	788306	Ayman Adnan Al Alami	ايمن عدنان حضر علمي	Hamas
802067389	373336	Mohammad Nezar Ayyash	محمد نزار محمد عياش	Hamas
802117358	365943	Marwan Khalid Al Zanin	مروان خالد موحمد زعانين	Hamas
802172312	194136	Ahmad Abed Al Fattah Al Shaer	احمد عبد الفتاح سلامه شاعر	Hamas
802312850	877880	Abdalla Majed Abu Mustafa	عبدالله ماجد عبدالله ابو-مصطفا	Hamas
802335562	320040	Ahmad Nabil Al Afandi	احمد نبيل سليمان افندي	Hamas
802439802	765403	Mohammad Marwan Abu Itiwi	محمد مروان موحمد ابو عطيوي	Hamas
802487728	138075	Osama Zeyad Al Zatma	اسامه زياد صقر زطمه	Hamas
802588574	960542	Ahmad Hisham El Louh	احمد هشام محمود لوح	Hamas
802661249	680499	Ahmad Jamal Suweidan	احمد جمال صبري سويدان	Hamas
802715888	663742	Wael Naser El Badrasawi	وائل ناصر محمد البدرساوي	Hamas
802729129	305873	Ibrahim Ahmad Abu Abda	ابراهيم أحمد فايز أبو عابده	Hamas
802748608	309319	Ramzi Mohd Jaber Noufal	رمزي محمد جبر أحمد نوفل	Hamas
802843755	411697	Mohammad A Naser Al Khatib	محمد عبد الناصر محمد الخطيب	Hamas
802887778	154378	Hamza Husam El Ajez	حمزه حسام علي العاجز	Hamas
803093293	903658	Mohammad Ali Dabour	محمد علي سليمان دبور	Hamas
803115179	615075	Abed Al Rahman Mustafa Shaat	عبد الرحمن موصطفا راشد شعت	Hamas
803151257	844387	Saleh Fakhri Al Helo	صالح فخري ابراهيم حلو	Hamas
803159573	779326	Mohammed Akram Ferwana	محمد اكرم محمد فروانه	Hamas
803161652	137006	Mohammad Maher Salem	محمد ماهر محمد سالم	Hamas
803185909	731591	Ali Atiya Abu Nemer	علي عطيه علي ابو نمر	Hamas
803237296	790344	Abdullah Mahmoud Othman	عبدالله محمود عثمان	Hamas
803293117	837654	Ahmad Samir El Khatib	احمد سمير محمود حطيب	Hamas
803301951	404373	Osama Nabil Radi	اوسامه نبيل عبد القدر رادي	Hamas
803335371	314008	Ibrahim Atiya Abu Ghafra	ابراهيم عطيه محمد ابوسجاره	Hamas
803573971	467357	Mohammad Ali Ghurab	محمد علي عبدالله جراب	Hamas
803765809	643409	Abdallah Awad Auda	عبدالله عوود نمر عوده	Hamas
803781319	413499	Mohammad Basem El Uweini	محمد باسم حسن عويني	Hamas
803784511	960725	Ali Husain Abu Shammala	علي حسين عامر ابو شمله	Hamas
803903574	657716	Mohammad Mahmoud Issa	محمد محمود محمد عيسا	Hamas
804018026	850383	Munier Zuhair El Habbash	منير زهير خالد هباش	Hamas
804342749	932603	Yaser Atiya El Khozondar	ياسر عطيه شعبان خزندار	Hamas
804530558	842988	Yousef Husni Salem	يوسف حوسني علي سالم	Hamas
804535656	753275	Mohammed Jamal Al Asmar	محمد جمال احمد اسمر	Hamas
804588705	440931	Suhaib Fuad Matar	صهيب فواد حالب مطر	Hamas
804591444	220600	Mahmoud Maher Abu Sharekh	محمود ماهر محمود ابو شرقه	Hamas
804689925	612131	Hamed Ibrahim El Qerinawi	حامد ابراهيم حسن قرينوي	Hamas
804740595	411454	A Rahman Nabil Al Ashaal	عبد الرحمان نبيل عبد الرحمن اشعل	Hamas
900141524	400390	Basem Ali Miqdad	باسم علي عبد مقداد	Hamas
900148727	751568	Ala A Hamid Jouda	علا عبد الحميد قاسم جوده	Hamas
900177569	373935	Mustafa Taysir Surur	مصطفا تيسير مصطفا مرور	Hamas
900216664	199580	Hani A Karim Wahba	هاني عبد الكريم سعيد وهبه	Hamas
900224304	122994	Naim Juma Abu Huwaishel	نعيم جمعه حمد ابوهويشل	Hamas
900237462	808110	Ali Isa Matar	علي عيسا حموده مطر	Hamas
900286576	944061	Ibrahim Fawzi Thabet	ابراهيم فوزي موصطفا ثابت	Hamas
900291048	865088	Nabhan Mohd El Ammasi	نبهان محمد نبهان عمصي	Hamas
900487539	746116	Arafat Abdallah Abu Wadi	عرفات عبدالله سالم ابو وادي	Hamas
900530387	448929	Atef Mahd El Quqa	عاطف محمود احمد قوقا	Hamas

900626458	537625	Basel Khamis El Hams	باسل خميس صالح هماس	Hamas
900641721	217668	Faisal Ali Naami	فيصل علي مسلم نعامي	Hamas
900670613	834351	Basem Salama Abu Mousa	باسم سلامه عطيه ابو موسه	Hamas
900760133	439492	Naji Abdalla Abu Aziz	ناجي عبدالله سالم ابو عزيز	Hamas
900775503	498737	Yusuf Zedan El Hawajri	يوسف زيدان سليمان حواجري	Hamas
900803271	516956	Yaser Fathi Abu Hilal	ياسر فتحي احمد ابو هلال	Hamas
900900721	830543	Mahmoud Mohd Abu Nima	محمود موحمد مطر ابو نعمه	Hamas
900945064	338978	Rami Saleh Qashlan	رامي صالح موحمد قشلان	Hamas
900969791	600295	Raml Mohammad Sabbah	رامي موحمد رمدان صباح	Hamas
900983453	883036	Hani Sadeddin Dababesh	هاني سعد الدين حسن دبابش	Hamas
901266981	235683	Ayman Mahd Abu Qirshin	ايمن محمود عطيه ابو قرشين	Hamas
901345660	847242	Mohammad Jabr El Khatib	محمد جبر احمد خطيب	Hamas
901380071	483761	Ashraf Saleh El Aisawi	اشرف صالح سعيد عيسوي	Hamas
901383570	923446	Baker Mahmoud Darwish	بكر محمود عبدالله درويش	Hamas
901440677	134005	Mahmoud Ahmad Harb	محمود احمد محمد حرب	Hamas
901443283	819253	Mohd Isa El Habil	موحمد عيسا احمد هبيل	Hamas

Annex 32

Letter from the Commissioner-General of UNRWA to the Ambassador Deputy Director General for the UN and International Organizations Division Ministry of Foreign Affairs of Israel, 8 July 2024

unrwa
الاونروا
the commissioner-general
المفوض العام

8 July 2024

Dear Ambassador Weissbrod,

I am writing in response to your letter dated 4 July 2024, in which you share concerns, including regarding a list of UNRWA staff, that if confirmed, would violate UNRWA's strict neutrality rules.

I welcome the sharing of such information directly with UNRWA. As underscored in the Colonna Report, the Agency requires full support from its Hosts and Israel to fulfil its mandate in an extremely difficult, high-risk context.

To enable such support from Israel, UNRWA has been sharing regularly, since 2008, the names of all UNRWA staff in the West Bank and Gaza. Indeed, 89 of the 100 names in your 4 July letter were shared prior to the current conflict, most recently in May 2023.

Whenever the government of Israel has shared such information with UNRWA, including in 2011, 2017 and January 2024, the Agency has taken immediate action to investigate the allegations. The only limitation on UNRWA's past responses to such neutrality concerns, whether raised by Israel or identified by UNRWA, has been the difficulty in obtaining supporting evidence. As a humanitarian and development agency, without a police force, intelligence service or judicial system, UNRWA does not have the resources or authorities of a State such as Israel.

I have publicly stated, and restate here, that membership or involvement of any UNRWA staff in any militant or armed entity is prohibited and condemned in the strongest terms. This is reflected in UNRWA's updated Personnel Directive on "Outside and Political Activities".

As communicated to Israeli authorities several times over the past six months, it is critical that UNRWA receives information and evidence that can substantiate the government's concerns in order to take action. Indeed, I sent letters to the government in March, April and May requesting evidence on UNRWA staff in breach of UNRWA's neutrality policies. Until now there has been no response.

Ambassador Amir Weissbrod
Deputy Director General for UN and International Organisations Division
Ministry of Foreign Affairs
Israel

Israel may have security constraints regarding the sharing of sensitive information. Given the vital importance of addressing the concerns in your letter, I hope that methods can be quickly identified to allow for the sharing of information – either through UNRWA or through an independent entity – so that the Agency can take appropriate action.

I would therefore be grateful that you meet with UNRWA's Deputy Commissioner-General for Operational Support on this issue at the earliest opportunity.

In the meantime, we are assessing the information in your 4 July letter with a view to taking all necessary action in line with UN rules and regulations.

I take this opportunity to reiterate UNRWA's deep concerns raised with the government of Israel in recent months regarding the destruction of and damage to nearly 190 UNRWA premises in Gaza; the killing of more than 500 displaced people within those premises; and the killing of 197 UNRWA personnel, in addition to the injury of many other personnel.

UNRWA has raised these incidents with both COGAT and the Ministry of Foreign Affairs in several communications in recent months and I have called for an independent investigation and accountability.

I hope that through renewed and collaborative engagement we can address all neutrality related concerns effectively. Thank you for your attention to these urgent matters.

Sincerely,

Philippe Lazzarini

Annex 33

Letter from the Chef de Cabinet Executive Office of the UN Secretary-General to the Ambassador Deputy Director General for the UN and International Organizations Division Ministry of Foreign Affairs of Israel, 9 July 2024

United Nations Nations Unies

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EXECUTIVE OFFICE OF THE SECRETARY-GENERAL
CABINET DU SECRETAIRE GENERAL

9 July 2024

Excellency,

I would be grateful if you could kindly forward the attached letter to Ambassador Amir Weissbrod, Deputy Director General for the United Nations and International Organizations Division in the Ministry of Foreign Affairs of the State of Israel.

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

E. Courtenay Rattray
Chef de Cabinet

His Excellency
Mr. Gilad Menashe Erdan
Permanent Representative of Israel to the
United Nations
New York

United Nations Nations Unies

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EXECUTIVE OFFICE OF THE SECRETARY-GENERAL
CABINET DU SECRETAIRE GENERAL

9 July 2024

Dear Ambassador Weissbrod,

I wish to thank you for your letter dated 13 May 2024, regarding the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

At the outset, allow me to reiterate my utter condemnation of the abhorrent acts of terror perpetrated by Hamas and other Palestinian armed groups on 7 October 2023. Nothing can justify the killing, injuring, torture and kidnapping of civilians, nor the use of sexual violence against them. I wish to extend my deepest condolences to the families of the victims. The United Nations continues to consistently and regularly repeat calls for the immediate, unconditional and safe release of all hostages held in Gaza, as well as for their humane treatment and access to the International Committee of the Red Cross in the interim.

I would like to stress that the Secretary-General was horrified by the serious allegations that twelve staff members of UNRWA were involved in the abhorrent acts of terror on 7 October. In discussions with the Commissioner-General of UNRWA, he immediately requested the Office of Internal Oversight Services (OIOS) to conduct an independent investigation into the allegations against individuals and established an Independent Review, led by Ms. Catherine Colonna, to assess whether UNRWA is doing everything within its power to ensure neutrality and to respond to allegations of serious neutrality breaches when they are made.

The Independent Review concluded that UNRWA has policies, mechanisms and procedures "to ensure compliance with the obligation to uphold the principle of neutrality"; "to ensure rapid and adequate responses to allegations of breaches of neutrality"; and to "determine and implement disciplinary sanctions on personnel found to breach the neutrality principles". The report from the Independent Review also found that UNRWA "possesses a more developed approach to neutrality than other similar United Nations or NGO entities". It furthermore underscored that UNRWA is mandated by Member States to operate in an extremely complex and risky space. The report makes 50 recommendations to further strengthen those already existing policies, mechanisms and procedures. UNRWA has welcomed the recommendations and has already developed an action plan to implement them. The Agency is available to discuss the action plan with the Israeli authorities. I wish to note that, even before these serious allegations were made, Commissioner-General Philippe Lazzarini had already announced his intention to commission an independent review of the Agency.

Ambassador Amir Weissbrod
Deputy Director General for United Nations and
International Organizations Division
Ministry of Foreign Affairs of the State of Israel
Jerusalem

Regarding the investigation of any additional allegations, in the first instance, UNRWA itself investigates allegations of misconduct by its staff. The Independent Review confirmed "that between 2022 and 2024, the Agency has reviewed all external allegations of breaches of neutrality and opened investigations where it has found prima facie evidence of misconduct". In particular, UNRWA has ensured the investigation of every such allegation presented to it by Israeli authorities.

Upon hearing of reports in the media and from Member States that the Israeli authorities had concerns regarding additional UNRWA staff, the Agency sent letters to the Israeli Ministry of Foreign Affairs – in March, April and May 2024 – requesting information on any allegation that would enable the Agency to take action. However, UNRWA has not received a response.

I would therefore encourage the Israeli authorities to share any information of concern with UNRWA, immediately upon receipt of such information. In this regard, on specific cases, recognizing the security concerns that you may have, consideration could be given to establishing modalities, in accordance with applicable United Nations regulations, rules, policies and procedures, to allow for the secure sharing of information. Such information-sharing would enable UNRWA to investigate allegations going forward.

I also note that UNRWA has provided a list of its employees to the Israeli authorities every year for at least the past decade. According to UNRWA records, for the first time in March 2024, the Israeli authorities requested that the list also include ID numbers, a request that UNRWA immediately acceded to. The staff list will be provided to the Israeli authorities every quarter.

Commissioner-General Lazzarini has stated that "membership in a militant group is totally prohibited by the United Nations and it would be a reason for immediate dismissal", in accordance with the Agency's Policy on Outside and Political Activities. Commissioner-General Lazzarini has acted swiftly and decisively concerning these allegations by fully cooperating with the Israeli authorities, issuing a public disclosure of the allegations and immediately terminating the contracts of the staff members allegedly involved. The Secretary-General has also publicly stated that any employee of the United Nations involved in acts of terror will be held accountable, including referrals for criminal prosecution.

Regarding the investigation into the allegations currently being conducted by OIOS – the highest internal oversight body of the United Nations – the cooperation of the State of Israel with OIOS investigators is critical, particularly with regard to evidence-sharing by Israel.

UNRWA remains the backbone of the United Nations humanitarian response in Gaza. Please rest assured that Commissioner-General Lazzarini and the Secretary-General are taking all necessary steps to ensure that all allegations are being thoroughly and independently investigated. The Agency's operations not only fulfil its General Assembly mandate, but also directly benefit the countries of the region, including by delivering public services to millions of Palestine refugees. In the case of Israel, this greatly facilitates the discharge of its obligations as occupying Power with respect to the civilian population. UNRWA will continue to work in close cooperation with the Israeli civilian and military authorities.

Allow me to conclude by reiterating the commitment of the United Nations and its unwavering support to ensuring a renewed path towards the long-term political solution that has eluded us for so long – which is a two-State solution with Israel and Palestine living side-by-side in peace and security, on the basis of the resolutions of the United Nations, previous agreements and international law. The United Nations continues to call for the immediate and unconditional release of all the hostages and an immediate humanitarian ceasefire to ease the unimaginable human suffering of both Israelis and Palestinians.

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

E. Courtenay Rattray
Chef de Cabinet

Annex 34

Letter from the Deputy Director General Head of the Division for the UN and International Organizations Ministry of Foreign Affairs of Israel to the Chef de Cabinet Executive Office of the UN Secretary-General, 15 October 2024

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM

משרד החוץ
ירושלים

October 15, 2024

Mr. Earl Courtenay Rattray
Chef de Cabinet
Executive Office of the Secretary General
United Nations

Dear Courtenay,

In light of the grave revelations regarding the systematic infiltration of Hamas and Palestinian Islamic Jihad (PIJ) operatives within UNRWA, and the UN's evasive response to these allegations, I would like to put the focus in this letter specifically on one aspect of UNRWA's breaches of neutrality. As you well know, there is a recurring pattern of Hamas using UNRWA facilities and infrastructures in the Gaza Strip for their terrorist activities. However, since the beginning of the war in Gaza, Israel has not been informed by UNRWA, not even once, of any instances where Hamas has infiltrated or used UNRWA infrastructure. This is a multifaced breach of UNRWA's neutrality. First, the mere usage of UN facilities for terrorist purposes is completely unacceptable. Second, the fact that UNRWA doesn't even bother to inform Israel and the donor countries that a specific installation has been jeopardized by terrorists is also a breach of neutrality. It is the obligation and responsibility of UNRWA to flag out and warn that there is a problem with the neutrality of specific premises. Yet, despite of Israel's warnings and pleas, this phenomenon lingers on. Hamas is using UNRWA's infrastructure for terrorist activities and UNRWA continues to say nothing about it, while even refraining from informing Israel in real time about such breaches of neutrality conducted by Hamas.

According to our information, at least 32 different UNRWA facilities in the Gaza Strip included permanent terrorist infrastructure, such as tunnels, tunnel shafts, server farms etc., within them or in their immediate surroundings. Needless to mention this infrastructure was not established overnight. Moreover, during the war, there were many cases in which Hamas has been using UNRWA's premises in order to attack Israel or the IDF soldiers, using UNRWA as a "human shield". Nevertheless, since the beginning of the war, UNRWA hasn't provided any warning concerning such breaches of neutrality.

I would like to provide you with some concrete examples to illustrate my point:

- **Hamas tunnels located underneath UNRWA schools in which the principals are Hamas operatives**: In the past few years, tunnels were publicly revealed under two UNRWA's schools: the Maghazi Prep B Boys School and the Zaitun Prep A Boys School. It turns out that the principals of both schools are Hamas military operatives: - the principals of Maghazi Prep B Boys School, Khaled Said El Masri -

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is an operative in the Hamas Central Camps Brigade and the principal of the Zaitun Prep A Boys School, Mohammed Shuwaideh - was found to be a Nukhba militant (the Hamas elite forces which infiltrated Israel on October 7) in the Shati Battalion. UNRWA has claimed in the past that the abovementioned tunnels were covered and deactivated. However, during the recent conflict in Gaza it was revealed by the IDF that these tunnels remained operational, contrary to UNRWA's claims. The employment of Hamas operatives as school principals and the re-activiation of the tunnels are serious breaches of UNRWA's neutrality which were never reported by UNRWA or brought to our attention.

- **Hamas' server farm underneath UNRWA Headquarters in Gaza:** during the current war an underground facility was discovered beneath UNRWA Headquarters in Gaza. The facility in question was Hamas's Intelligence Command Center, and included a central server farm connected directly to UNRWA's HQ electricity supply. Hamas deliberately located such a strategic asset underneath UNRWA's HQ, aiming to benefit from UNRWA's status. However, UNRWA employees had to be aware of this situation - it would have been impossible not to notice the significant increase in electricity consumption or to overlook the corresponding surge in the electricity bill or the physical connection of cables between the HQ and Hamas' subterranean compound. The fact that none of the employees at the UNRWA HQ reported any suspicious activity regarding this issue, indicates a serious neutrality breach.
- **An underground facility underneath an UNRWA school:** On November 17, 2023 the IDF destroyed an underground infrastructure located beneath the Beit Hanoun Prep. Girls B. Hamas has been deliberately using this facility to place anti-tank systems and as an observation point to ambush IDF soldiers. The tunnel shaft in this location was most probably booby-trapped. This breach of neutrality was never brought to Israel's attention.
- **Hamas operatives holding key positions in UNRWA**:
    - Naji Abdalla Abu Aziz, a Hamas operative who heads Hamas weapons manufacturing unit serves at the same time as an UNRWA school principal. The Israeli MFA, in a letter dated 21st of December 2011, has already warned UNRWA of Naji's terrorist affiliations. 13 years later, Naji is also listed among the 100 operatives, who are currently employed by UNRWA-Gaza and whose names were included in the list provided to the UN. Despite the information provided to UNRWA, he remains employed by it to this day. Notably, UNRWA has never informed Israel about this significant breach of neutrality regarding his continued employment. Moreover, we believe that within the school he is running, additional serious breaches of neutrality are taking place.
    - As announced by Hamas on September 30th, their senior leader in Lebanon, Fateh Sherif, was eliminated in an Israeli airstrike in southern Lebanon. Hamas published Sherif's photograph in a mourning poster, indicating him as a shahid and commander of Hamas in Lebanon. Ironically, Mr. Sherif was not only a school principal but also the head of the UNRWA Teachers Association in Lebanon.

Despite clear knowledge of Mr. Sherif's involvement with Hamas, and calls to take decisive action against him, UNWRA merely placed Mr. Sherif on temporary administrative leave. He was never dismissed, even though there was substantial evidence linking him to Hamas activities.

- **Militants' presence inside UNRWA premises**: On May 11, the IDF identified multiple armed militants inside an UNRWA warehouse in Rafah in the presence of individuals wearing blue UN vests who were entering and exiting clearly marked UN vehicles. When asked about this incident, UNRWA provided contradicting versions. According to one version, UNRWA had coordinated with local authorities (i.e. Hamas) to allow armed individuals to be present in order to protect the premises. In another version, UNRWA had evacuated the compound but left behind UN vehicles. Both scenarios are deeply troubling as they represent serious breaches of neutrality. Had these incidents not been documented, it is doubtful whether UNRWA would have brought them to Israel's attention.

We believe that the systematic infiltration of Hamas into the ranks of UNRWA, including the employment of hundreds of terrorist operatives, the presence of armed militants inside UNRWA premises and the terrorist infrastructures established in UNRWA facilities, are all significant breaches of neutrality. Moreover, the problematic nature of the relations between UNRWA and Hamas as portrayed also in the examples above, pose grave security risks to both Israel and UN staff, and cannot be overlooked anymore since there are many more examples. Despite the clear position of Colonna's report, which stated that employment by UNRWA of Hamas or Islamic Jihad members would be a violation of the principle of neutrality, UNRWA time and time utterly fails in implementing it and continues to ignore the most crucial issue – how to tackle the on-going problem of massive employment of terrorist operatives by UNRWA.

In this regard I wish to recall that a few months ago Israel has provided the UN with a list containing names and IDs of approximately 100 terrorist operatives who are currently employed by UNRWA-Gaza. When there are masses of Hamas members employed by UNRWA-Gaza, there is no wonder that the activity of the agency is characterized in repeated cases of severe breaches of neutrality, as was presented in this letter.

I urge you once again to take all necessary measures to ensure that UNRWA adheres to the principle of neutrality. Up until now, the UN has failed to do so.

Sincerely yours,

Amir Weissbrod
A. Weissbrod
Deputy Director General

Head of the Division for the UN and IO

Annex 35

Letter from the Deputy Director General Head of the Division for the UN and International Organizations Ministry of Foreign Affairs of Israel to the Chef de Cabinet Executive Office of the UN Secretary-General, 28 October 2024

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM

משרד החוץ
ירושלים

October 28, 2024

Mr. Earl Courtenay Rattray
Chef de Cabinet
Executive Office of the Secretary General
United Nations

Dear Courtenay,

Following my previous letters to you dated May 13, July 4 and October 15, I am writing once again to inform you of the continued breaches of UNRWA's neutrality and the ongoing problem of UNRWA's abuse by the terrorist organization Hamas.

On Thursday, October 24th, Israel Defense Forces (IDF) eliminated Mohammad Abu Itiwi, a Nukhba commander in the Al Bureij Battalion of Hamas's Central Camps Brigade. During the conflict, Abu Itiwi orchestrated multiple attacks on IDF soldiers in the Gaza Strip. Abu Itiwi was also directly involved in the murder and abduction of Israeli civilians on October 7, leading a notorious assault on a bomb shelter on Route 232 near Re'im in southern Israel.

In this extremely heinous attack, 27 individuals, mostly party-goers who were fleeing the Nova Music Festival massacre, were crowded inside a closed, exterior bomb-shelter, with no way to escape, while the terrorists fired and threw grenades at them from the entrance of the shelter.

16 people were murdered inside the shelter, 4 were kidnapped to Gaza. The ones who survived, did so by pretending to be dead underneath the pile of bodies accumulated in the narrow shelter. Among the kidnapped and dead; Hersh Goldberg-Polin, an American Citizen, who lost his hand during this attack, kidnapped to Gaza while holding his stump, and was later executed by Hamas in Gaza, and Aner Shapira (Shapiro), an Israeli-British national, who bravely managed to throw back seven Hamas grenades thrown at him, attempting to defend his fellow festival goers in the shelter.

Shamefully, Abu Itiwi was an UNRWA employee, (Emp. No. 10776948) employed by the agency since 2022. He was included in the partial list of 100 Hamas operatives employed by UNRWA that Israel transmitted to the UN on July 4th 2024. This is a grotesque example of the infiltration of Hamas into the ranks of UNRWA and a vivid example of UNRWA's reluctance to tackle this fundamental problem.

Adding to the shame was the Secretary General's statement on X (formerly tweeter) from October 25th, mourning the death of " another one of our @UNRWA colleagues". Wouldn't the UN prefer to distance itself from people like Abu Itiwi, a terrorist, murderer and kidnaper?

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MINISTRY OF FOREIGN AFFAIRS
JERUSALEM

משרד החוץ
ירושלים

I strongly urge you once again to take all necessary actions to ensure that UNRWA upholds the principle of neutrality, as the UN has not done so to date.

Sincerely yours,

Amir Weissbrod

Deputy Director General

Head of the Division for the UN and IO

A. Weissbrod

Amir Weissbrod
Deputy Director General

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Annex 36

Letter from the Permanent Representative of Israel to the United Nations to the UN Secretary-General, 30 January 2025

Ambassador Danny Danon
Permanent Representative of Israel to the United Nations

השגריר דני דנון
ראש משלחת ישראל לאומות המאוחדות

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

30 January 2025

Excellency,

I feel compelled to respond to your letter dated 27 January 2025, if only to set the record straight as regards only some of the misleading assertions regrettably contained therein.

At the outset, I note that your letter continues to avoid recognizing or taking any responsibility for the insidious, perverse, and widespread infiltration of UNRWA by terrorists, which has irreparably compromised the Agency's ability to operate in the service of any peaceful purpose. The UN has for years been privy to Israel's well-founded security concerns *vis-à-vis* UNRWA and its continuous failure to uphold the standards of neutrality and impartiality by which it is obliged to conduct itself. These concerns materialized and indeed became indisputable during the horrifying events of 7 October 2023 and the ensuing hostilities, when it was evident that UNRWA has allowed both its facilities and employees to serve the heinous military campaign of a terrorist organization against a UN Member State. No serious measures have been taken by the UN to date in order to address, let alone remedy, this wholly unacceptable reality.

The audacity to pay nothing more than lip service to this grave matter, while issuing yet another condemnatory letter to Israel, speaks volumes.

As you are aware, despite the very circumscribed and inappropriate mandates drawn up for the review processes initiated by your office following the astonishing events and evidence that exposed further UNRWA's misconduct, the Israeli Government engaged with these processes in good faith, including in providing abundant pertinent information. As part of its close ongoing cooperation with the UN concerning the facilitation of humanitarian assistance, Israel has also been in constant dialogue with senior UN officials as well as relevant Member States in relation to the legislation adopted by Israel on 28 October 2024, and has been working with numerous UN agencies and other international actors to advance any preparations necessary for maintaining the facilitation of humanitarian aid hitherto provided by UNRWA.

What is more, in the course of Israel's intensive engagement during the past year with UN representatives at all levels, including from the Secretariat, it was communicated to Israel that your office issued guidance to the entire UN system ***not*** to agree to any consultations or negotiations concerning an orderly transfer of functions from UNRWA to other actors. Your highly disappointing directive stood in the way of various efforts by neutral international civil servants who are dedicated to the humanitarian cause and were willing (as they still are) to engage constructively with Israel on this matter. To say that UNRWA is "irreplaceable" is patently untrue.

Furthermore, the UN has in fact had ample time between 7 October 2023 and the passing of the legislation in question, to hold consultations with Israel and to remedy the intolerable infiltration of UNRWA's ranks, schools, and compounds by terrorists. It has failed to do so and instead chose

to vilify and attack Israel. The cynical attempt now to portray Israel as evading opportunities to consult and negotiate, when the UN has time and again dismissed and altogether ignored Israel's legitimate security concerns and UNRWA's unmistakable failings, is outright blasphemous. I wish to clarify once again that Israel stands ready at all times to engage on these matters with the United Nations and any of its organs that are not affiliated with terrorist organizations.

In this connection, your letter further contains the inaccurate assertion that Israel has allowed UNRWA "less than a week" to cease its operations and evacuate its premises in Jerusalem. As you are well aware, and as previous correspondence makes plain, UNRWA has been made aware of the applicable timeframe since the Knesset of Israel passed the legislation in question last year. This timeframe has moreover been reiterated in numerous communications with the United Nations over the past several months. Furthermore, and as referenced in my letter dated 24 January 2025 in relation to the properties in Jerusalem and the illegal construction therein, it is a matter of fact that UNRWA has consistently refused to negotiate amicably on the matter despite repeated efforts by Israel in this regard. As also stated in my previous letter as well as in countless meetings with UNRWA and senior UN officials, clear and explicit notices were sent to UNRWA regarding the properties in Kfar Aqueb and Maalot Dafna, including in January and May of 2024. These notices were blatantly disregarded by UNRWA through abuse of the immunity accorded to it.

Excellency, it is my hope that we can focus on promoting peace and security and addressing the obstacles to this shared vision, through positive cooperation between Israel and the United Nations.

Sincerely,

Ambassador Danny Danon
Permanent Representative of Israel to the United Nations

C.C. H.E. Mr. Philémon Yang
President of the General Assembly
United Nations
New York

Annex 37

Letter from the Permanent Representative of Israel to the United Nations to the President of the Security Council and President of the General Assembly, 18 December 2024

Ambassador Danny Danon
Permanent Representative of Israel to the United Nations

השגריר דני דנון
ראש משלחת ישראל לאומות המאוחדות

H.E. Mrs. Linda Thomas-Greenfield
President of the Security Council
United Nations
New York

December 18th, 2024

Excellency,

In reference to the Secretary-General's letter dated 9 December 2024 and previous correspondence addressed to Israel regarding the legislation recently passed by the Israeli Knesset concerning the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), I find it necessary to address several important issues. While the Secretary-General's letters are, regrettably, replete with misrepresentations, and without wishing here to point to all of them, five points merit particular attention.

First, what the Secretary-General repeatedly fails to mention, but must constantly be borne in mind, is the widespread infiltration of UNRWA's ranks by Hamas and other terrorist organizations in blatant disregard for the Agency's duties and mandate. This undeniable and inexcusable reality, in which UNRWA has kept numerous terrorists on both its premises and payroll, has compromised its impartiality beyond repair.

As has been documented and widely reported in the media, a significant share of UNRWA's personnel in Gaza have been members of Palestinian terrorist organizations. At least 75 out of 510 senior UNRWA school administrators in Gaza are confirmed members of Hamas or Palestinian Islamic Jihad and many were actively involved in terrorist activities, including the heinous deadly attacks on Israeli civilians on 7 October 2023. Horrifically, an UNRWA "social worker" was captured on video abducting the body of a murdered 21-year-old Israeli citizen and driving off with it (back into Gaza); in another example, an UNRWA staff member was involved in the killing and abducting of a number of civilians who sought shelter near Kibbutz Re'im, including 23-year-

old Israeli-American Hersh Goldberg-Polin, who lost his arm during the attack and was later executed by Hamas while languishing in an underground tunnel in Gaza. Time and again, such UNRWA staff members remained employed by the Agency even after Israel notified the Agency that they were in fact terrorists. Similarly, terror tunnels located under UNRWA schools that Israel exposed and complained of in the past, were found still to be operational when Israeli forces reached them during the current hostilities. As The New York Times reported this month, "[r]esidents of Gaza said in interviews that the idea that Hamas had operatives in UNRWA schools was an open secret".[1]

What is more, no fewer than 32 UNRWA facilities in Gaza have been found to house, or be in the immediate surrounding of, permanent terrorist infrastructure, including tunnel shafts and operational rooms for launching and conducting armed attacks. A terror tunnel lying 18 meters deep, which served the intelligence command center of Hamas and included a central server farm, was supplied with electricity through UNRWA's Headquarters. Weapons, rocket launchers, and other military equipment have been found in and adjacent to numerous UNRWA facilities, including schools. Rockets were fired indiscriminately at Israeli populations centers from such premises on multiple occasions. This widespread and methodical exploitation of UNRWA installations for terrorist purposes, which is morally reprehensible, has further violated the fundamental principle of impartiality and the most basic standards of international civil service. Moreover, since the beginning of the war in Gaza, Israel has not been informed by UNRWA, not even once, of any instances where Hamas has infiltrated or used UNRWA infrastructure, yet another breach of UNRWA's neutrality. As information continues to emerge from Gaza, figures stated here are not final and may continue to grow.

While the Secretary-General seeks to highlight the role of UNRWA's school system in Gaza, multiple independent investigations, including by the United States Government Accountability Office and the Georg Eckert Institute, have identified systematic incitement and promotion of hatred within UNRWA's education facilities, including the glorification of suicide bombing. There

[1] Jo Becker and Adam Rasgon, 'Records Seized by Israel Show Hamas Presence in U.N. Schools', *The New York Times*, 8 December 2024.

have also been innumerable instances of UNRWA educators praising terrorist acts on social media and indoctrinating their young students with such extremist ideologies. These repugnant practices not only undermine peace-building efforts, which the United Nations was established to advance, but very much contribute to perpetuating the Israeli-Palestinian conflict. They too constitute grave violations by UNRWA of the duty of neutrality.

Second, despite repeated substantiated complaints by Israel over the years, including in numerous meetings between Israeli officials and senior UNRWA and UN representatives, UNRWA has failed to ensure that its staff and facilities uphold standards of neutrality and impartiality and has not sought to address this concern in any systematic manner. Instead of expressing determination to root out Hamas from UNRWA's operations, UNRWA's Commissioner-General maintained the unacceptable position that "[o]ur employees are part of the social fabric of Gaza and its ecosystem. And as part of the social fabric in Gaza, you have also Hamas".[2] A former UNRWA General Counsel has conceded in reference to the Agency that "[t]he U.N. has been unable and or unwilling to eliminate Hamas militants and their supporters, as well as those from other terrorist groups, from their ranks".[3] He added that "… the numbers the Israelis are talking about are probably pretty close to the truth".[4]

The Independent Review Group established this year by the Secretary-General to examine the mechanism and procedures that were meant to ensure UNRWA's impartiality recognized in no uncertain terms that "UNRWA's neutrality has been consistently questioned by Palestinian and Israeli stakeholders", and that despite existing mechanisms, "neutrality-related issues persist".[5] It also recognized that "any involvement in a militarized group that promotes discrimination or violence, such as Hamas or Islamic Jihad, violates the principle of neutrality".[6] The Review Group confirmed that UNRWA's staff screening mechanisms are inadequate in this regard, and that

[2] Patrick Kingsley and Ronen Bergman, 'U.N. Agency in Gaza Fought Hamas Infiltration; Not Hard Enough, Israel Says', *The New York Times*, 10 February 2024.
[3] Jo Becker and Adam Rasgon, 'Records Seized by Israel Show Hamas Presence in U.N. Schools', *The New York Times*, 8 December 2024.
[4] *Ibid.*
[5] 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, 22 April 2024, https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf.
[6] *Ibid.*

periodic inspections by UNRWA of its installations did not inquire into military misuse of such facilities. Remarkably, however, the Review Group had been instructed by the Secretary-General not to investigate any allegations of breaches of neutrality by UNRWA or make any findings of fact in respect of these allegations. The "Action Plan" subsequently adopted by UNRWA, which fails to make any mention of Hamas, disregards yet again the need to prevent the widespread employment of terrorists by the Agency and the abuse of its facilities for terrorist purposes.

Nor was the United Nations Office of Internal Oversight Services (OIOS) entrusted with inquiring into the widespread infiltration of UNRWA by Hamas and other terrorist groups. Instead, it was mandated with investigating only the involvement of 19 UNRWA employees in the massacre of 7 October 2023, and did not consider their membership of terrorist organizations or the extensive evidence that was presented by Israel as regards the broader and systematic infiltration of UNRWA. The Agency itself has neither announced that it would terminate the employment of all staff associated with Hamas, nor has it adopted any such policy in practice. Israel's repeated calls for meaningful action in response to UNRWA's glaring failings, including by a letter of 13 May 2024 that observed that "no UN agency is investigating the most extensive infiltration ever of a UN body by a terrorist organization", have been left unanswered. Donor funds continue to pay the salaries of hundreds of terrorists, while abuse of UNRWA facilities to the detriment of Israeli and Palestinian civilians alike is rampant.

Third, replacing UNRWA with relief schemes that will adequately provide essential assistance to Palestinian civilians is not at all impossible. Since the onset of the current hostilities in Gaza, a large-scale and effective humanitarian operation has been implemented in the territory, involving a variety of humanitarian actors, including UN agencies, non-governmental organizations, and sovereign stakeholders. Throughout this period, Israel has cooperated and coordinated with more than forty such actors to allow and facilitate the provision of necessary basic services and humanitarian assistance to the civilian population. UN agencies such as the World Food Programme, UNICEF, and the United Nations Development Programme (UNDP), along with the World Health Organization, have significantly expanded their operations in Gaza, including through the UN Mechanism for accelerating the provision of humanitarian relief consignments to Gaza, and have proven their capacity to deliver aid effectively, on a very large scale, and without

corrosive ties to terrorist entities. These humanitarian organizations are equipped to provide the necessary humanitarian response in Gaza, as they do elsewhere in the world. Most of the humanitarian aid entering the territory is already coordinated by actors other than UNRWA; the Water, Sanitation and Hygiene (WASH) response in Gaza is likewise being implemented primarily by UNICEF and UNDP, with very minimal involvement by UNRWA. The only barrier to expanding humanitarian operations by agencies other than UNRWA has been political.

As for the territory administered by the Palestinian Authority, the role and responsibilities of the latter over civilian affairs must not be overlooked.

In Jerusalem, all residents are entitled to government and municipal services under Israeli law; the Government of Israel has adopted a series of decisions, including most recently on 5 June 2024, to ensure the delivery of those services that were hitherto provided in by UNRWA, including in the fields of health and education.

Fourth, the legislation recently passed by the Knesset of Israel on 28 October 2024 in relation to UNRWA came as a direct response to the significant national security risks posed by Hamas's pervasive infiltration of UNRWA and the latter's persistent refusal to remedy this intolerable situation. As noted above, after more than ten months of good-faith engagement with the UN (and years of earlier related grievances), no meaningful action has been taken to address the grave concerns raised and substantiated by Israel. The Secretary-General's regrettable attempt to undermine a sovereign democratic State's right and obligation to defend itself and its territory, rather than to acknowledge the irreparable failings of UNRWA and support alternatives to it, raises deep concerns.

Pursuant 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. 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.

Fifth, the legislation enacted by the Knesset does not in any way undermine Israel's steadfast commitment to international law. As made clear by Prime Minister Netanyahu, Israel is willing and ready to work with international partners (and already does work tirelessly) so as to allow and facilitate the continued passage of humanitarian aid to civilians in Gaza, and to ensure the unhindered provision these of necessary basic services, in a way that does not undermine Israel's security. In the same vein, the Chairperson of the Knesset's Foreign Affairs and Defense Committee, who introduced the legislation to the Knesset, stated that the expiration of the Exchange of Letters is not intended to hinder any of Israel's international legal obligations. As he put it, "[t]he legislator does not intend through this bill any change as regards the provision of humanitarian aid or any other assistance needed by the civilian population. … on the contrary, genuine organizations operating in this field, as opposed to those infiltrated by terrorist groups, could assist the population far more effectively than UNRWA has done until now". The Chairperson of the Knesset's Foreign Affairs and Defense Committee added, more specifically, that:

> "This provision [the prohibition of contact with UNRWA] does not harm the delivery of humanitarian aid to the Gaza Strip. The State of Israel has acted, and continues to act, in accordance with public international law and the law of armed conflict. It has carried out, and is carrying out, numerous actions aimed at preventing harm to the civilian population not involved in the fighting, including the delivery of humanitarian aid into the Gaza Strip; enabling the operations in the area of various aid organizations, such as the World Health Organization and other international organs; allowing movement of the civilian population subject to operational needs; and more. All these actions are carried out continuously, while ensuring the security of the State of Israel".

The Israeli legislation is moreover consistent with the obligations of every State, as recognized by the Security Council (for instance, in its resolution 1373 (2001)), to refrain from providing any form of support, active or passive, to entities involved in terrorist acts, and to take the necessary

steps to prevent the commission of terrorist acts. It is also without prejudice to the applicability of the 1946 Convention on the Privileges and Immunities of the United Nations.

It further bears mention that Israel does not in fact exercise effective control over Gaza and therefore is not an "occupying Power" within the meaning of the term under international law. Contrary to the Secretary-General's suggestion, the International Court of Justice did not determine in the advisory opinion delivered by it last July that Gaza is currently occupied: indeed, the Court made it plain (at para. 81) that it was "of the view that the policies and practices contemplated by the request of the General Assembly do not include conduct by Israel in the Gaza Strip in response to the attack carried out against it by Hamas and other armed groups on 7 October 2023".

While the law of belligerent occupation does not apply in respect of Gaza, Israel is committed to observing all the international legal obligations that are incumbent upon it, including those prescribed by the law of armed conflict and those reflected in the provisional measures indicated by the International Court of Justice. It regularly assesses its actions in the light of the applicable international law, including as part of the legal proceedings now pending before Israel's High Court of Justice in relation to the provision of humanitarian aid to Gaza. As before, Israel goes to great lengths to continue to allow and facilitate the provision of necessary humanitarian assistance and services in Gaza under very challenging circumstances.

Finally, and without prejudice to Israel's position in this regard or in connection with the law applicable to the other territories referred to by the Secretary-General, the provisions of the Hague Regulations and the Fourth Geneva Convention do not entail an obligation to authorize or permit the activities of any specific organization (international or local), let alone one that is not impartial. They do not, moreover, preclude the adoption of measures for the purpose of mitigating security threats posed by compromised and partial entities.

Indeed, international law does not require any State to assist and cooperate with an entity that jeopardizes and impairs its national security, not least an entity that has proven itself to be anything but neutral and impartial. UNRWA has not only failed to abide by its duties and uproot Hamas,

Ambassador Danny Danon
Permanent Representative of Israel to the United Nations

השגריר דני דנון
ראש משלחת ישראל לאומות המאוחדות

but it has moreover repeatedly prioritized political agendas over efficient aid delivery and has often hindered broader humanitarian efforts by insisting on a monopoly of services.

Israel calls upon all Member States, who share the responsibility for ensuring that the UN is guided in its operations by the fundamental principles of neutrality and impartiality, to consider this matter objectively and to reach their own conclusions based on the facts as they actually stand. It stands ready to cooperate with international partners for the purpose of allowing and facilitating the continued free passage of humanitarian aid to civilians in Gaza, and reiterates that humanitarian needs should be put above political considerations. It is in the common interest of all Member States, the UN, and the beneficiaries of humanitarian assistance themselves that the unprecedented infiltration and abuse of a UN agency by terrorist organizations is put to a stop, so that impartiality, accountability, and the safety of all concerned can be guaranteed.

I should be grateful, Madam President, if you would circulate this letter as an official document of the Security Council. An identical letter has been sent to the President of the General Assembly.

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

Sincerely,

Ambassador Danny Danon
Permanent Representative of Israel to the United Nations

NV-18DEC-2024-SC

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Annex 38

‘Anti-Tank Missile Fired from an UNRWA School’, The UNRWA-HAMAS Connection (30 May 2024)

The UNRWA-Hamas Connection

May 30, 2024

Anti-Tank Missile Fired from an UNRWA School

30.05.24

In response to an anti-tank missile fired from an UNRWA school toward IDF troops, the 12th Brigade combat team operated in the school complex by which a mosque and a medical clinic are also located.

During the sweep and clear operation in the medical clinic, two incidents of explosive charges set in a booby-trapped tunnel shaft detonated on the troops. As a result of one of the explosions, three soldiers - Staff Sergeant Amir Galilove, Staff Sergeant Uri Bar Or, and Staff Sergeant Ido Appel - from the 50th Battalion of the Nahal Brigade were killed.

In addition, during the operation, large quantities of weapons were found in the complex, including firearms and grenades. Inside the classrooms at the school, the troops located significant shafts leading to a wide network of underground terror tunnels.

Like

UNRWA Exploitation of Schools / Kindergartens / Homes

Annex 39

United Nations Security Council, Resolution 2129 (2013) (17 December 2013)
UN Doc. S/RES/2129 (2013)

United Nations S/RES/2129 (2013)

Security Council

Distr.: General
17 December 2013

Resolution 2129 (2013)

Adopted by the Security Council at its 7086th meeting, on 17 December 2013

The Security Council,

Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed and remaining determined to contribute further to enhancing the effectiveness of the overall effort to fight this scourge on a global level,

Noting with concern that terrorism continues to pose a serious threat to international peace and security, the enjoyment of human rights, the social and economic development of all Member States, and undermines global stability and prosperity, that this threat has become more diffuse, with an increase, in various regions of the world, of terrorist acts including those motivated by intolerance or extremism, *expressing its determination* to combat this threat, and *stressing* the need to ensure that counter-terrorism remains a priority on the international agenda,

Recognizing that terrorism will not be defeated by military force, law enforcement measures, and intelligence operations alone, and underlining the need to address the conditions conducive to the spread of terrorism, as outlined in Pillar I of the United Nations Global Counter-Terrorism Strategy (A/RES/60/288) including, but not limited to, the need to strengthen efforts for the successful prevention and peaceful resolution of prolonged conflict, and the need to promote the rule of law, the protection of human rights and fundamental freedoms, good governance, tolerance, inclusiveness to offer a viable alternative to those who could be susceptible to terrorist recruitment and to radicalization leading to violence,

Recognizing that development, security, and human rights are mutually reinforcing and are vital to an effective and comprehensive approach to countering terrorism, and *underlining* that a particular goal of counter-terrorism strategies should be to ensure sustainable peace and security,

Reaffirming that Member States must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and international humanitarian law, and *underscoring* that effective counter-terrorism measures and respect for human

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rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing, and are an essential part of a successful counter-terrorism effort, and notes the importance of respect for the rule of law so as to effectively prevent and combat terrorism,

Reaffirming also that terrorism cannot and should not be associated with any religion, nationality, civilization or group,

Emphasizing that continuing international efforts to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures, and addressing unresolved regional conflicts and the full range of global issues, including development issues, will contribute to strengthening the international fight against terrorism,

Expressing deep concern that incitement of terrorist acts motivated by extremism and intolerance poses a serious and growing danger to the enjoyment of human rights, threatens the social and economic development of all States and undermines global stability and prosperity,

Strongly condemning incidents of kidnapping and hostage-taking committed by terrorist groups for any purpose, including with the aim of raising funds or gaining political concessions, *deeply concerned* by the increase in such kidnappings, and *underscoring* the urgent need to address this issue,

Recalling the adoption of resolution 2122, and *reaffirming* the intention to increase its attention to women, peace and security issues in all relevant thematic areas of work on its agenda, including in threats to international peace and security caused by terrorist acts,

Expressing concern regarding the connection, in some cases, between terrorism and transnational organized crime and illicit activities such as drugs, arms and human trafficking, and money-laundering, and *emphasizes* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

Reiterating the obligation of Member States to prevent and suppress the financing of terrorist acts, and criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts,

Reaffirming the obligation of Member States to freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities,

Reaffirming further the obligation of Member States to prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or

controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons,

Reiterating that sanctions are an important tool in countering terrorism, and *underlines* the importance of prompt and effective implementation of relevant resolutions, in particular Security Council resolutions 1267 (1999) and 1989 (2011) as key instruments in the fight against terrorism, and *reiterates* its continued commitment to ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions,

Acknowledging the important work on countering the financing of terrorism of the United Nations entities and other multilateral bodies and forums, including the Financial Action Task Force, and *encouraging* CTED to cooperate closely with these entities,

Reiterating further the obligation of Member States to prevent the movement of terrorist groups by, inter alia, effective border controls, and, in this context, to exchange information expeditiously, improve cooperation among competent authorities to prevent the movement of terrorists and terrorist groups to and from their territories, the supply of weapons for terrorists and financing that would support terrorists,

Underlining that safe havens provided to terrorists continue to be a significant concern and that all Member States must cooperate fully in the fight against terrorism in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or commission of terrorist acts or provides safe havens,

Expressing concern at the increased use, in a globalized society, by terrorists and their supporters of new information and communication technologies, in particular the Internet, for the purposes of recruitment and incitement to commit terrorist acts, as well as for the financing, planning and preparation of their activities, and *underlining* the need for Member States to act cooperatively to prevent terrorists from exploiting technology, communications and resources to incite support for terrorist acts, while respecting human rights and fundamental freedoms and in compliance with other obligations under international law,

Recalls its decision that States shall eliminate the supply of weapons, including small arms and light weapons, to terrorists, as well as its calls for States to find ways of intensifying and accelerating the exchange of operational information regarding traffic in arms, and to enhance coordination of efforts on national, subregional, regional and international levels,

Recognizing the importance of having in place criminal justice institutions that can effectively prevent and respond to terrorism within a rule of law framework and *underlining* the importance of strengthening cooperation among Member States and with United Nations entities and subsidiary bodies with a view to enhancing their individual capabilities, including by supporting their efforts to develop and implement rule of law based counter-terrorism practices,

Recognizing the challenges faced by Member States in the management of terrorists in custody, encourages Member States to collaborate and share best

practices regarding the management of terrorists in a secure, well-managed and regulated custodial environment in which human rights are respected and the development of programs for the rehabilitation and reintegration of convicted terrorists, *noting* the work of the United Nations Interregional Crime and Justice Research Institute (UNICRI), the United Nations Office on Drugs and Crime (UNODC), and other relevant United Nations agencies in providing interested Member States with technical assistance in these areas, and *encouraging* interested Member States to request such assistance from these agencies,

Noting the work of the Global Counterterrorism Forum (GCTF), in particular its publication of several framework documents and good practices, including in the areas of countering violent extremism, criminal justice, kidnapping for ransom, providing support to victims of terrorism, and community-oriented policing, to complement the work of the relevant United Nations counterterrorism entities in these areas, and *encouraging* CTED to continue its interaction with GCTF, in its work with Member States to promote the full implementation of resolutions 1373 (2001) and 1624 (2005),

Recognizing the need for Member States to prevent the abuse of non-governmental, non-profit and charitable organizations by and for terrorists, and calling upon non-governmental, non-profit, and charitable organizations to prevent and oppose, as appropriate, attempts by terrorists to abuse their status, while recalling the importance of fully respecting the rights to freedom of expression and association of individuals in civil society and freedom of religion or belief, and noting the relevant recommendation and guidance documents of the Financial Action Task Force,

Expressing its profound solidarity with the victims of terrorism and their families, stresses the importance of assisting victims of terrorism, and providing them and their families with support to cope with their loss and grief, recognizes the important role that victims and survivor networks play in countering terrorism, including by bravely speaking out against violent and extremist ideologies, and in this regard, welcomes and encourages the efforts and activities of Member States and the United Nations system, including the Counter-Terrorism Implementation Task Force (CTITF) in this field,

Reiterating its call to Member States to enhance their cooperation and solidarity, particularly through bilateral and multilateral arrangements and agreements to prevent and suppress terrorist attacks, and *encouraging* Member States to strengthen cooperation at the regional and subregional level, noting also the particular benefits to be derived from cross-regional collaboration and training, including, as appropriate, law enforcement, corrections and justice sector professionals and their staffs, and noting the importance of close collaboration within and between all agencies of government and international organizations in combating terrorism and its incitement,

Reaffirming its call upon all States to become party to the international counter-terrorism conventions and protocols as soon as possible, whether or not they are a party to regional conventions on the matter, and to fully implement their obligations under those which they are a party,

Recognizing the importance of local communities, private sector, civil society and media in increasing awareness about the threats of terrorism and more effectively tackling them,

Recalling resolution 1373 (2001) of 28 September 2001, which established the Counter-Terrorism Committee (CTC), and recalling also resolution 1624 (2005) and its other resolutions concerning threats to international peace and security caused by terrorist acts,

Recalling, in particular, resolution 1535 (2004) of 26 March 2004, resolution 1787 (2007) of 10 December 2007, resolution 1805 (2008) of 20 March 2008, and resolution 1963 (2010) of 20 December 2010 which pertain to the Counter-Terrorism Committee Executive Directorate (CTED), and *recalling* also the crucial role of the Counter Terrorism Committee (CTC) and CTED in ensuring the full implementation of resolutions 1373 (2001) and 1624 (2005), and *underlines* the importance of capacity-building and technical assistance with a view to increasing the capabilities of Member States, regional and subregional organizations for effective implementation of its resolutions,

Underscoring the central role of the United Nations in the global fight against terrorism and *welcoming* the adoption by the General Assembly of the United Nations Global Counter-Terrorism Strategy (A/RES/60/288) of 8 September 2006, and *expressing support* for the activities of the Counter-Terrorism Implementation Task Force (CTITF), in accordance with General Assembly resolution 64/235 of 24 December 2009, to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system, and its crucial role in promoting the United Nations Global Counter-Terrorism Strategy and the full participation, within their mandate, of relevant Security Council subsidiary bodies in the work of the CTITF and its working groups,

Recognizing the work carried out by the United Nations Counter-Terrorism Centre (UNCCT) within the CTITF Office, in accordance with the General Assembly resolution A/RES/66/10, and its role in building the capacity of Member States,

1. *Underlines* that the overarching goal of the CTC is to ensure the full implementation of resolution 1373 (2001) and recalls CTED's crucial role in supporting the Committee in the fulfilment of its mandate;

2. *Decides* that CTED will continue to operate as a special political mission under the policy guidance of the CTC for the period ending 31 December 2017 and further decides to conduct an interim review by 31 December 2015;

3. *Welcomes* the adoption of, and *commends*, the "Report of the Counter-Terrorism Committee to the Security Council for its Comprehensive Consideration of the Work of the Counter-Terrorism Executive Directorate from 2011 to 2013";

4. *Underscores* the essential role of CTED within the United Nations to assess issues and trends relating to the implementation of resolutions 1373 (2001) and 1624 (2005), and to share information, as appropriate, with relevant United Nations counterterrorism bodies and relevant international, regional and subregional organizations, *welcomes* the thematic and regional approach of CTED aimed at addressing the counter-terrorism needs of each Member State and region, and in this

regard, *encourages* CTED to promote international cooperation to further the implementation of resolutions 1373 and 1624;

5. *Directs* CTED to identify emerging issues, trends and developments related to resolutions 1373 (2001) and 1624 (2005), while taking into account the United Nations Global Counter-Terrorism Strategy, as appropriate, at all levels, in consultation with relevant partners, and to advise the CTC on practical ways for Member States to implement resolutions 1373 (2001) and 1624 (2005);

6. *Recalls* that CTED provided to the Committee, in accordance with resolution 1963 (2010), Global Implementation Surveys of resolutions 1373 (2001) and 1624 (2005), and *directs* CTED to produce updated versions of these Global Implementation Surveys to the Committee prior to 31 December 2015;

7. *Encourages* CTED to cooperate with Member States and regional and subregional organizations, upon request, to assess and advise them on formulating national and regional counterterrorism strategies to further the implementation of resolutions 1373 (2001) and 1624 (2005), and to make available its assessments and other information, as appropriate, to relevant CTITF entities;

8. *Stresses* the importance of CTED providing timely country reports to the Committee, *encourages* the Committee and CTED to engage with Member States, as appropriate, after relevant country reports are adopted by the Committee, and *invites* CTED to conduct regular follow-up activity with concerned Member States, as appropriate;

9. *Directs* CTED to report to the Committee in a timely manner, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of CTED, including its visits to Member States, the conduct of assessments, representing the CTC at different international and regional meetings, and other activities, including during planning stages, and to conduct an annual review and forecast of activities to facilitate implementation of United Nations Security Council resolutions 1373 (2001) and 1624 (2005) and cooperation in this area;

10. *Directs* CTED to make available information contained in national counterterrorism surveys and assessments, when agreed by concerned Member States, and *further directs* CTED to make available information on regional counterterrorism capacities, when approved by the CTC, as appropriate;

11. *Encourages* CTED, in close cooperation with bilateral and multilateral donors and technical assistance providers, including relevant United Nations counterterrorism bodies, to continue to work with Member States, regional and subregional organizations, at their request and in accordance with resolutions 1373 (2001) and 1624 (2005), to facilitate technical assistance, specifically by promoting engagement between providers of capacity-building assistance and recipients, and *encourages* CTED, as appropriate, to assess the impact of its donor-supported project activity linked to building capacity and cooperation;

12. *Encourages* CTED, in close cooperation with the CTITF and its relevant Working Groups, to continue to pay close attention to resolution 1624 (2005) in its dialogue with Member States, and to work with them to develop, in accordance with their obligations under international law, strategies which include countering incitement of terrorist acts motivated by extremism and intolerance and to facilitate

technical assistance for its implementation, as called for in resolution 1624 (2005) and the United Nations Global Counter-Terrorism Strategy;

13. *Reiterates* the obligation of Member States to refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists, and *encourages* CTED to continue to fully take this obligation into account throughout its activities;

14. *Notes* the evolving nexus between terrorism and information and communications technologies, in particular the Internet, and the use of such technologies to commit terrorist acts, and to facilitate such acts through their use to incite, recruit, fund, or plan terrorist acts, and *directs* CTED to continue to address this issue, in consultation with Member States, international, regional and subregional organizations, the private sector and civil society and to advise the CTC on further approaches;

15. *Recalls* the adoption by the GCTF of the "Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists" (the "Memorandum") and *encourages* CTED to take it into account, as appropriate, consistent with its mandate, including in its facilitation of capacity-building to Member States;

16. *Expresses* its profound solidarity with the victims of terrorism and their families, and *encourages* CTED to take into account the important role that victims and survivor networks can play in countering terrorism, in close cooperation with CTITF and its relevant Working Groups;

17. *Recognizes* the comprehensive international standards embodied in the Financial Action Task Force's (FATF) revised Forty Recommendations on Combating Money Laundering and the Financing of Terrorism and Proliferation, and *encourages* CTED to work closely with the FATF, including in the FATF's mutual evaluations process, focusing on effective implementation of counter terrorist financing recommendations;

18. *Encourages* CTED to continue its dialogue with Member States in various formats, with their consent, including for the purpose of considering advising, as appropriate, on the development of comprehensive and integrated national counter-terrorism strategies and the mechanisms to implement them that include attention to the factors that lead to terrorist activities, in accordance with their obligations under international law, and in close cooperation with the CTITF and its Working Groups, with a view to ensuring coherence and complementarity of efforts and to avoid any duplication;

19. *Recognizes* the advantages of a comprehensive approach to preventing the spread of terrorism and violent extremism, consistent with resolutions 1373 (2001) and 1624 (2005), and in this regard, *invites* CTED, as appropriate and in consultation with relevant Member States, to further engage and enhance its partnerships with international, regional and subregional organizations, civil society, academia and other entities in conducting research and information-gathering, and identifying good practices, and in that context to support the CTC's efforts to promote the implementation of resolutions 1373 (2001) and 1624 (2005), and *underscores* the importance of engaging with development entities;

20. *Stresses* the importance of a tailored dialogue and engagement among CTED, the CTC, and Member States, and *encourages* the CTC and CTED to continue to arrange meetings involving counter-terrorism officials from Member States and relevant international, regional, and subregional organizations, with a thematic or regional focus relevant to the implementation of resolutions 1373 (2001) and 1624 (2005);

21. *Reminds* Member States that effective counter-terrorism measures and respect for human rights are complementary and mutually reinforcing, and are an essential part of a successful counter-terrorism effort, notes the importance of respect for the rule of law so as to effectively combat terrorism, and *encourages* CTED to further develop its activities in this area, to ensure that all human rights and rule of law issues relevant to the implementation of resolutions 1373 (2001) and 1624 (2005) are addressed consistently and even-handedly including, as appropriate, on country visits that are organized with the consent of the visited Member State and in the delivery of technical assistance;

22. *Requests* the CTC to report orally, through its Chair, at least once per year to the Council on the state of the overall work of the CTC and CTED, and, as appropriate, in conjunction with the reports by the Chairs of the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) and the Committee established pursuant to resolution 1540 (2004), *expresses its intention* to hold informal consultations at least once per year on the work of the Committee, and further *requests* the Committee to hold periodic meetings, including with a regional or thematic focus, for all Member States;

23. *Reiterates* the need to enhance the ongoing cooperation among the CTC, the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011), and the Committee established pursuant to resolution 1540 (2004), as well as their respective groups of experts, including through, as appropriate, enhanced and systematized information sharing, coordination on visits to countries and participation in workshops, on technical assistance, on relations with international, regional and subregional organizations and agencies, including through the shared use of regionally-based focal points, as appropriate and in accordance with respective mandates, and on other issues of relevance to all three committees, *expresses* its intention to provide guidance to the committees on areas of common interest in order to better coordinate counter-terrorism efforts; and *stresses* the importance of CTED and relevant CTITF entities being co-located and making necessary efforts to achieve this objective;

24. *Directs* CTED to increase cooperation with committees that have mandates established pursuant to resolutions 1267 (1999) and 1989 (2011), 1988 (2011), 1373 (2001) and 1540 (2004) and their respective groups of experts;

25. *Encourages* CTED to enhance its dialogue and information sharing with Special Envoys, the Department of Political Affairs and the Department of Peacekeeping Operations, including during planning stages of missions, as appropriate, in relation to the implementation of resolutions 1373 (2001) and 1624 (2005);

26. *Welcomes* and *encourages* CTED's continued active participation in and support of all relevant activities under the United Nations Global Counter-Terrorism Strategy, including within the CTITF and its Working Groups, established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

27. *Decides* to remain actively seized of the matter.

Annex 40

Helmut Philipp Aust, 'Article 2(5)', in Bruno Simma et al. (eds.) The Charter of The United Nations: a Commentary (4th edition, Oxford University Press, 2024), [pp. 369-371, excerpt]

THE LAW
OF
THE UNITED NATIONS

A Critical Analysis
of
Its Fundamental Problems

BY

HANS KELSEN

WITH SUPPLEMENT

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A. Introduction

1 Article 2 (5) consists of two sub-principles: its first part contains a positive obligation and stipulates that UN member States shall 'give the United Nations every assistance in any action it takes in accordance with the present Charter'. The second part of Art 2 (5) is negative in character and requires of the UN member States to 'refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action'. These two parts of Art 2 (5) may be seen as two sides of the same coin.[1] Article 2 (5) highlights the bonds of solidarity between the UN and its member States.[2] The provision underlines that the success of a system of collective security depends on the active support of its members as well as their willingness to isolate those States—and today also other actors[3]—which are considered to endanger international peace and security.[4]

B. Drafting History

2 Article 2 (5) has no direct predecessor in the Covenant of the League of Nations. The provision reflects a certain change in the way the system of collective security of the UN was supposed to work in comparison to the League. Article 16 (1) of the Covenant provided that, '[s]hould any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations . . .' and a number of additional consequences set forth in this provision.[5] For the case of an illegal war under the Covenant, it was thus envisaged to set sanctions in motion automatically without a further centralized decision-making process on the part of the Council of the League.[6] In comparison, Art 2 (5) rests on the assumption that obligations of solidarity for UN member States are only triggered once the Organization has taken action against a State.[7]

3 Article 2 (5) was not much discussed at Dumbarton Oaks or in San Francisco. At Dumbarton Oaks,
p. 369 proposals existed with language similar to that of Art 2 (5), although ↳ the two parts of it were contained in two distinct paragraphs.[8] At San Francisco, the only significant discussion on Art 2 (5) arose in the context of a French proposal to add a sentence to Art 2 (5) reading 'sans qu'un Etat puisse, pour s'y soustraire, invoquer un statut de neutralité'.[9] This proposal was meant to underline that a status as a neutral State would not allow a member State to evade its obligations under Art 2 (5). The proposal was not accepted. However, the sub-committee in which the suggested amendment was discussed 'tacitly accepted' that the vote taken on the draft provision covered the French proposal, thus underlining that it considered the status of permanent neutrality to be incompatible with membership in the UN.[10] The subsequent practice of the Organization and its member States shows, however, that this was only a consensus on a very general level (see MN 17). Another proposal by Chile to amend Art 2 (5) would have led to the inclusion of a half-sentence stipulating that 'whenever disputes affect a Continent or region and do not constitute a danger to the general world peace, the States or other Continents or regions shall not be obligated to participate in operations of a military nature decided upon by the Council and the Assembly'.[11] Also this proposal was not accepted.

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C. The Obligation to Assist the Organization in 'Every Action'

I. The Scope of the Provision

4 In order to determine the scope of the first half of Art 2 (5), it needs to be clarified what 'every action' means. The prevailing tendency in the literature is to interpret the first half of Art 2 (5) as covering only enforcement action taken by the UN under Chapter VII of the Charter.[12] This view is based on the argument that only the SC is entitled to adopt binding measures. If Art 2 (5) were to provide for an all-encompassing obligation of UN member States to literally assist 'every action' the Organization takes, the carefully circumscribed system of competences of the Charter would be put into jeopardy.[13] This view rests on a systematic and contextual analysis of the Charter provisions, which are indeed usually interpreted as transferring the power to adopt binding decisions only to the SC and only insofar as it is acting under Chapter VII of the Charter. It has also convincingly been argued that Art 2 (5) could not vest more powers in the SC than it possesses under Chapter VII. For instance, Art 2 (5) would not grant the SC the power to order States to make troops available. Such a wide-ranging interpretation of Art 2 (5) would run against a systematic interpretation of the provisions of Chapter VII of the Charter.[14] This restrictive view also connects with the little evidence there is from the drafting history of Art 2 (5). At San Francisco, the delegate from Norway stressed that the first part of Art 2 (5) should only be understood to refer to action taken by the SC as this would be the 'only organ of the Organization having ↳ authority to take action'.[15] This statement
p. 370 was not challenged by any other delegation. This view was also held by the US Department of State in a report to the US President on the outcome of the San Francisco Conference.[16]

5 However, this interpretation is not undisputed.[17] The ICJ held in its *Namibia* Advisory Opinion that not only resolutions of the SC under Chapter VII of the Charter are binding upon UN member States. The Court argued that the reference to the specific powers of the SC in Art 24 (2) would not exclude the possibility of 'the existence of general powers to discharge the responsibilities conferred in paragraph 1' of Art 24.[18] More particularly, the Court rejected the argument that Art 25 would only cover resolutions of the Council adopted under Chapter VII of the Charter.[19] This view of the ICJ also found support in the literature. It has been pointed out that if only decisions under Chapter VII of the Charter were binding, decisions of the Council under Chapter VIII (regional enforcement action) would lose much pertinence, as would be the case for decisions on investigations under Art 34 of the Charter.[20]

6 Another question is whether 'action' taken by other UN organs can also be said to fall within the scope of Art 2 (5). With respect to the GA, it is indeed the case that most of its powers are confined to the giving of recommendations (see Arts 10, 11 (1), 11 (2), 13, 14). The same holds true for ECOSOC (see Arts 62 (1), 62 (2)). The Secretary-General's functions as set out in the Charter are quite limited in the first place. A special case is certainly the ICJ, as member States have pledged to comply with the decisions of the Court in cases to which they are a party (Art 94 (1)). However, decisions of the ICJ can hardly be understood as 'action' of the Organization.[21] Accordingly, this survey of the competences of UN organs to adopt binding measures indeed appears to speak in favour of the position that only action taken by the SC is covered by Art 2 (5). Another argument in this regard is that also Art 2 (2) requires of UN member States to 'fulfil in good faith the obligations assumed by them in accordance with the present Charter'. Accordingly, when non-binding decisions have been taken, the obligation of good faith requires UN member States not to disregard entirely what the respective UN organ has recommended or called for.[22] This would seem to be most pertinent, for instance, for resolutions of the GA adopted under the 'Uniting for Peace' mechanism in special emergency sessions.[23] Eventually, the practice of the UN and its members will be decisive in order to determine the
p. 371 scope of the first part of Art 2 (5). In ↳ this respect, a distinction can be made between practice which is connected with enforcement action under Chapter VII of the Charter (see MN 7–11) and practice which relates to other contexts (see MN 12–15).

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II. Practice in the Context of Enforcement Action under Chapter VII of the Charter

7 In the practice of the SC itself, there are only very few references to Art 2 (5), if one discounts general references to Art 2 of the Charter which may or may not also refer to the specific contents of Art 2 (5).[24] In particular, the SC does not refer to this provision when it provides for specific obligations of assistance for UN member States. Rather, these obligations are then integral parts of the resolutions themselves. As such, these obligations benefit from the binding character of resolutions adopted under Chapter VII of the Charter. Their bindingness for UN member States then follows from Arts 25 and 48 of the Charter.[25]

8 Quite frequently, the SC is calling for or recommending assistance for a given form of action by the UN as well as for action which is in some form endorsed by the Organization.[26] A classic example is the resolution the SC adopted in the context of the Korean crisis in 1950 where it called upon member States 'to render every assistance to the United Nations in the execution of this resolution'.[27] In situations like this, no binding obligation to assist the UN has been established as the SC itself opted against a binding formulation in its resolution.[28] The same holds true when the SC 'urges' for cooperation of the member States in the achievement of a certain aim.[29] The formulation 'urges' is particularly often used with respect to cooperation of UN member States with sanctions committees established by the SC.[30] At times, the SC includes calls for assistance in its resolutions which raise the question ↳ whether the assistance sought would not already be required under Art 2 (5) itself.[31] In the resolution establishing the no-fly zone over Libya in 2011, for example, the SC called 'upon all Member States, acting nationally or through regional organizations or arrangements, to provide assistance, including any necessary overflight approvals, for the purposes of implementing paragraphs 4, 6, 7 and 8 above; . . .'[32] The argument could be made that already the imposition of a no-fly zone in a binding resolution under Chapter VII requires UN member States under Art 2 (5), possibly in combination with Art 25, to permit overflights of other UN member States enforcing such a no-fly zone.[33] If all UN member States refused to grant overflight rights, a no-fly zone could not be successfully implemented. The Libyan example shows that some enforcement measures arguably require concrete forms of assistance by UN member States even in the absence of specific decisions of the SC in this regard. In other cases, it will be less clear what exactly is required of States in order to assist the UN in its action. In either case, specific calls for assistance may be seen as a concretization of what the SC expects UN member States to do.[34]

p. 372

9 When Art 2 (5) is invoked directly or indirectly in the course of deliberations before the SC, it is referred to in order to stress that member States in general or a specific State should take steps to enforce a given SC resolution. In a 2007 SC debate on the relationship between the UN and regional organizations, the representative of Uruguay referred to a collective responsibility of UN member States to participate in UN enforcement action; an obligation which he anchored in Art 2 (5).[35] Article 2 (5) was also invoked a number of times with respect to the South African occupation of Namibia and the responsibility of UN member States 'to take steps to compel South Africa to respect its international obligations with regard to Namibia'.[36] Article 2 (5) has also been referred to in order to point out that also the State which is the target of enforcement measures is bound to comply with the resolution ordering the sanctions. With respect to South African support for the racist regime in Southern Rhodesia, Yugoslavia argued before the SC that 'South Africa has directly, openly and in a wholesale manner violated the sanctions imposed by the Security Council against the illegal racist régime of the white minority in Southern Rhodesia. South Africa is thereby infringing one of the fundamental principles of the Charter embodied in Article 2, paragraph 5.'[37]

10 The Appeals Chamber of the ICTY relied on Art 2 (5) in conjunction with Arts 25 and 48 of the Charter in order to stress that enforcement measures under Chapter VII of the Charter are not only binding upon the targeted state, but are also 'mandatory *vis-à-vis* the other Member States, who are under an obligation to cooperate with the Organization'.[38] In this respect, it can also be noted that the ICJ made a passing reference

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Annex 41

Hans Kelsen, The Law of The United Nations: A Critical Analysis of Its Fundamental Problems (Stevens, 1950, reprinted by The Lawbook Exchange 2000), *[p. 91-92, 97-98, excerpts]*

THE LAW
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2000

> 4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

These obligations shall be discussed later.[8]

3. The Obligation to Assist the Organisation (Article 2, Paragraph 5)

The Principle laid down in Article 2, paragraph 5, reads as follows:—

> All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

The first part is not clear. 'Any action' taken by the United Nations may be interpreted to refer to any resolution adopted by any organ of the United Nations, also to mere recommendations; and by giving 'every assistance' to such action a conduct may be understood by which the Member complies with the resolution. This interpretation, however, would deprive Article 25 of the Charter imposing upon the Members the obligation to comply with certain decisions of the Security Council—not with the decisions of other organs—of any specific meaning. Hence it is probable that by 'action' only enforcement actions taken by the Organisation are meant. Enforcement actions may be taken by the Security Council under Article 39, or, with the authorisation of the Security Council, by a regional organisation under Article 53, or, under Article 106, as a joint action taken by the five great powers 'on behalf of the Organisation' and that means, by the United Nations. Hence the first part of Article 2, paragraph 5, may be interpreted to impose upon the Members the obligation to comply with any decision of the competent organ of the United Nations referring to enforcement actions.

At the 12th meeting of Committee I/1 of the San Francisco Conference the delegate of Norway stated with reference to Chapter II, paragraph 5 ,of the Dumbarton Oaks Proposals (which corresponds to Article 2, paragraph 5, first sentence of the Charter) that the word 'Organisation [which in Article 2, paragraph 5, of the Charter has been replaced by the term United Nations] referred to the Security Council.' This was, the delegate stated, 'the only organ of the Organisation having authority to take action. This would exclude any regional agency and also the five great powers acting on behalf of the Organisation in virtue of Chapter XII (Transitional Arrangements). He felt also that action taken under this paragraph comprised both action taken by the Council

[8] Cf. *infra*, pp. 359 ff.

to enforce its decisions and injunctions issued to parties to a dispute or situation.'[9] It may be doubted whether this interpretation is correct. Regional agencies, expressly admitted by Article 52, may, if acting in conformity with the Purposes and Principles of the United Nations, be described as delegated Organs of the United Nations. They may take action—Article 52, paragraph 1, refers expressly to 'regional action'—and, if authorised by the Security Council in conformity with Article 53, paragraph 1—even enforcement action. The 'joint action' taken by the five great powers according to Article 106 (Chapter XII of the Dumbarton Oaks Proposals) is as pointed out an action taken 'on behalf of the Organisation' and may consequently be considered as an action of the United Nations.

Whereas the first part of Article 2, paragraph 5—according to its wording—refers to 'any action' of the United Nations, the second part refers only to 'preventive or enforcement action' of the Organisation. But it seems that paragraph 5 should be interpreted to refer in both sentences to the same actions, namely, enforcement actions taken by the Organisation. The formula 'preventive or enforcement action' is problematical; for enforcement actions may have a repressive as well as a preventive character. The 'effective collective measures' referred to in Article 1, paragraph 1, are certainly the enforcement measures to be taken under Chapter VII the heading of which reads: 'Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.' Article 1, paragraph 1, provides that these effective collective measures shall be taken 'for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace.' That means that the enforcement measures may be preventive actions. Hence it is incorrect to speak of 'preventive *or* enforcement' action.[1]

[9] U.N.C.I.O. Doc. 810, I/1/30, pp. 5 f.

[1] At the 18th meeting of Committee III/3 (U.N.C.I.O. Doc. 782, III/3/41, p. 4) during the discussion of Chapter VIII, Section B, 'The Norwegian Delegate raised the drafting point as to whether enforcement action covered coercive action, both preventive and repressive.—The Chairman asked whether the Delegate of Norway wished to submit a formal motion to amend the existing text. The Norwegian Delegate replied that if enforcement action were construed as implying both preventive and repressive action, he supported that interpretation and, hence, would make no motion opposing it.—The Delegate of the United Kingdom said he considered that there was no conflict in words because action to enforce Council decisions included action to prevent aggression. The Australian Delegate strongly supported the viewpoint of the United Kingdom Delegate. The Norwegian Delegate withdrew his objection in light of this interpretation.'

At the 12th meeting of Committee I/1 (U.N.C.I.O. Doc. 810, I/1/30, p. 6) the delegate of Norway said with reference to Chapter II, paragraph 6, of the Dumbarton Oaks Proposals which corresponds to the second part of Article 2, paragraph 5, of the Charter: 'that some clarification was needed of the word "preventive." He noted that in Committee III/3, in a discussion of Chapter VIII, B. 6, there had been an interpretation of "enforcement action." This had been interpreted to mean action both to prevent and to suppress aggression, that is,

which the Charter does not characterise in a way which permits the interpretation that they shall not have a binding force, such as ' recommendations ' or ' plans.'[4] In this respect, however, the wording of the Charter is not always clear. Thus, for instance, the term ' call ' as used in Article 33, paragraph 2, means probably only a recommendation; but the same term as used in Article 43: the ' call ' by which a Member is requested to make available armed forces to the Security Council in accordance with a special agreement, is certainly intended to be binding upon the Members concerned. On the other hand, in order to establish a legal obligation to behave in a certain way it does not suffice, as pointed out, that the behaviour is prescribed in terms expressing the idea that the persons concerned ' shall ' or ' ought to ' or ' agree to ' behave in this way, and the like. In order to establish a legal obligation a sanction must be attached to the contrary behaviour. And if a sanction is attached to a certain behaviour, the contrary behaviour is the contents of an obligation even if it is not prescribed in terms expressing the idea of an obligation. A decision of the Security Council takes on a binding quality, that is to say, constitutes a true obligation if noncompliance with the decision is under a sanction provided by the Charter. Under Article 39 the Security Council may consider noncompliance with its recommendation or ' call,' or ' plan ' submitted to the Member, to be a threat to the peace and take enforcement action. If such enforcement action is interpreted to be a sanction, then it must be assumed that the Members are under the obligation to comply with a ' recommendation,' of a ' call ' of the Security Council, or a ' plan ' submitted by the Council to them. And then any ' decision ' of the Security Council, the term ' decision ' taken in its widest sense, may take on a binding quality.

As pointed out, the answer to the question as to whether a concrete ' decision ' of the Security Council is legally binding upon the Members, may be doubtful. Who is competent to decide this question? The Security Council itself. But the introductory formula ' The Members of the United Nations agree ' may have the unintentional effect to make possible the interpretation that also the Members concerned are competent to decide whether a concrete decision of the Security Council is ' in accordance with the present Charter ' binding upon

[4] *The Report to the President*, p. 79, states: ' Decisions of the Security Council take on binding quality only as they relate to the prevention or suppression of breaches of the peace. With respect to the pacific settlement of disputes, the Council has only the power of recommendation.' The first sentence of this statement has certainly no basis in Article 25 of the Charter. The second sentence is incorrect in so far as decisions of the Security Council taken under Article 34 concerning the investigation of any dispute or any situation which might lead to international friction or give rise to a dispute, may be binding upon the Members concerned. Cf. *infra*, pp. 387 f. Besides, the actions which the Security Council is authorised to take with respect to the settlement of disputes also relate to the prevention of breaches of the peace. As to the interpretation of Article 25, cf. also *infra*, pp. 293 ff.

them. This possibility, however, is of minor importance since application of Article 39 is certainly independent of the interpretation of the Members.

The obligation of the Members stipulated in Article 25 is a specification of the general obligation of the Members stipulated in Article 2, paragraph 5: to give the United Nations every assistance in any action it takes in accordance with the present Charter. Provided that the term ' action ' as used in the first part of this paragraph does not mean only ' enforcement action,' any decision of the Security Council is an action of the United Nations and to give assistance to such action includes to carry out the decision.

If this interpretation is accepted there is no difference between ' recommendations ' and other decisions of the Security Council with respect to their binding character.

The obligation established by Article 25 is specified by the provisions of Articles 48 and 49 with respect to decisions of the Security Council taken under Articles 41 and 42 involving enforcement action.

Article 48 runs as follows:

> 1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
>
> 2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are Members.

It is not clear what is meant by the ' appropriate international agencies.' It can only be international agencies which are in relationship with the United Nations. For if a Member of the United Nations is a Member of an international agency that has no relationship with the United Nations, its action in this agency is determined by the constitution of the agency, not by the Charter of the United Nations. The agencies referred to in Article 48, paragraph 2, can only be the ' specialised agencies ' referred to in Article 57 and only after they have been brought into relationship with the United Nations in conformity with Article 57 and 63.

Article 49 runs as follows: 'The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.' This provision completes that of Article 25 in that it obligates the Members to afford mutual assistance in carrying out the decisions of the Security Council.

If Article 25 referred only to decisions of the Security Council concerning enforcement action under Articles 41 and 42, that is to say,

if only these decisions would take on binding quality, as the *Report to the President* maintains, Article 25 would be superfluous since this effect is reached by Articles 48 and 49. Whereas the obligation established by Article 2, paragraph 5, may be interpreted to imply the obligation to give assistance also to a joint action of the five powers referred to in Article 106, and hence the obligation to carry out decisions of the five powers taken under this Article (the joint action under Article 106 being an action of the United Nations) the obligations established by Articles 25, 48 and 49 are restricted to decisions of the Security Council.

6. The Obligations with Respect to the Seat of the Organisation

The Charter does not determine directly the seat of the Organisation and consequently does not impose expressly upon the Members an obligation to permit establishment of the seat of the Organisation in their respective territories. There is, especially, no provision concerning the place where the General Assembly shall hold its meetings. This may be interpreted to mean that the obligation of a Member to permit the Organisation to establish its seats on the territory of the Member must be constituted by an agreement between the Organisation and the Member concerned. But the interpretation is not excluded that, since the Organisation must have a seat, all Members are obliged to permit the Organisation to establish its seat on their territories, without any special agreement being necessary.[5] Article 28, paragraph 3 provides: 'The Security Council may hold meetings at such places other than the seat of the Organisation as in its judgment will be to facilitate its work.' This provision implies the obligation of the Members to permit the Security Council to hold meetings in their territories.

7. The Obligations with Respect to Enforcement Actions (Articles 43, 44, 45, 48)

Highly important obligations with respect to enforcement actions to be taken by the Security Council are established in Chapter VII: the obligations stipulated in Articles 43 and 45, to make available to the Security Council armed forces, assistance and facilities including rights of passage, and to hold immediately available national air force contingents for combined international enforcement action; the obligation stipulated in Article 48, to take the action required by the Security Council to carry out the Council's decisions for the maintenance of international peace and security. These provisions shall be discussed in the chapter on sanctions.[6]

[5] Cf. *infra*, pp. 329 ff.
[6] Cf. *infra*, pp. 706 ff.

Annex 42

United Nations, *Charter of the United Nations and Statute of the International Court of Justice* (26 June 1945), Article 105, 1 U.N.T.S. 16, *[Article 105, excerpt]*

CHARTER OF THE UNITED NATIONS

AND

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

SAN FRANCISCO · 1945

this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

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

Article 105

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

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

3. The 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.

CHAPTER XVII

TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII

AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

Annex 43

Preamble to *Convention on the Privileges and Immunities of the United Nations* (Immunity Convention) (13 February 1946)
1 U.N.T.S. 15

No. 4

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

Adopted by the General Assembly of the United Nations on 13 February 1946

Official texts in English and in French. This Convention was registered ex officio by the Secretariat of the United Nations on 14 December 1946.

CONVENTION SUR LES PRIVILÈGES ET IMMUNITÉS DES NATIONS UNIES

Approuvée par l'Assemblée générale des Nations Unies le 13 février 1946

Textes officiels anglais et français. Cette Convention a été enregistrée d'office par le Secrétariat de l'Organisation des Nations Unies le 14 décembre 1946.

No. 4. CONVENTION[1] ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS, ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 FEBRUARY 1946

Whereas Article 104 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes and

Whereas Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

Consequently the General Assembly by a Resolution adopted on the 13 February 1946, approved the following Convention and proposed it for accession by each Member of the United Nations.

Article I

JURIDICAL PERSONALITY

SECTION 1. The United Nations shall possess juridical personality. It shall have the capacity:

(*a*) To contract;

(*b*) To acquire and dispose of immovable and movable property;

(*c*) To institute legal proceedings.

Article II

PROPERTY, FUNDS AND ASSETS

SECTION 2. The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of

[1] Came into force (see page 263 of this volume) on 17 September 1946 as regards United Kingdom of Great Britain and Northern Ireland by the deposit of the instrument of accession.

privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

SECTION 20. Privileges 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. In the case of the Secretary-General, the Security Counsil shall have the right to waive immunity.

SECTION 21. The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

Article VI

EXPERTS ON MISSIONS FOR THE UNITED NATIONS

SECTION 22. Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

(*a*) Immunity from personal arrest or detention and from seizure of their personal baggage;

(*b*) In respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;

(*c*) Inviolability for all papers and documents;

(*d*) For the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

Annex 44

‘UNRWAChief Philippe Lazzarini on the U.N. Agency’s Future in Gaza’, TIME (22 November 2024)

WORLD ISRAEL-HAMAS WAR

UNWRA Chief Philippe Lazzarini on the U.N. Agency's Future in Gaza

TIME SUBSCRIBE

UNRWA Commissioner General Philippe Lazzarini looks on during a press conference on the situation in Gaza at the United Nations offices in Geneva on Nov. 18, 2024. Fabrice Coffrini—AFP via Getty Images

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BY KARL VICK

NOVEMBER 22, 2024 9:00 AM EST

For 75 years, the United Nations agency known as UNRWA has been the backbone of health and education for Palestinians with refugee status, a population that now totals 6 million people, including about 1.4 million in Gaza. In the past, whenever fighting broke out, the organization would also serve any civilian seeking shelter in the enclave's 300 primary schools—protected by the blue flag of the United Nations.

That status remained the norm for the first months of the cataclysmic current war. Then, in January, Israel charged that a dozen employees of UNRWA, which stands for United Nations Relief Works Agency for Palestinian Refugees in the Near East, had participated in the atrocities of Oct. 7. The allegation had the effect of directly associating the agency, long criticized by Israel for its support of Palestinian political aspirations, with a terrorist entity. In response, more than 16 nations paused contributions; the U.S., formerly the agency's largest donor, continues to hold back funding. In October, Israel's parliament, the Knesset, passed a pair of bills barring cooperation with UNRWA, which distributes much of the humanitarian aid that gets to Gazans.

If implemented, the laws will further impede efforts to bring food and other assistance to the 2 million civilians trapped in Gaza, where the threat of famine is growing. Longer term, the law aims to undo a U.N. apparatus that Israel has regarded as problematic ever since it was established to provide for the needs of the 700,000 Palestinian refugees who were pushed off the land that became Israel. Under U.N. treaties, refugees remain refugees until they can return to their country of origin—a pardox that lies at the heart of the Palestinians' conflict with Israel.

"The Israelis got a state. The Palestinians got UNRWA," says Philippe Lazzarini—a two-decade employee of the U.N. who in 2020 was named the 15th, and now possibly the last, chief of an agency that has expanded with the population it serves. The organization's mandate also covers refugees' descendants who now live in Lebanon, Syria, Jordan, the Gaza Strip, and the Israeli-occupied West Bank.

PAID CONTENT

Why Are Villas In Dubai So Freaking Cheap? (Take A Look At The Prices)

BY BRIGHT LIFE DAILY

Lazzarini, whose humanitarian career also includes a lengthy stint at the Red Cross and whose UNRWA office is in East Jerusalem, says he has been barred from entering Israel since June. He spoke with TIME on Nov. 12 in New York City. *The interview has been edited for length and clarity.*

TIME: Your agency employs 32,000 people. Most are Palestinian. How does UNRWA vet its employees?

LAZZARINI: Basically, exactly the same as any other U.N. agency. Your education certificate. You have to come with a clean criminal record. We will also do a check with the database of other U.N. agencies and look at your employment record. On a yearly basis, we are submitting the list of our staff to the host country, including to the State of Israel. Since the so-called Catherine Colonna report [a neutrality review ordered by the U.N. in the wake of Israel's allegations] we are submitting the list on a quarterly basis. We also make sure that any of our employees are fully in line and compatible with any possible sanction list. And also through the banking system; we know that the financial system is quite waterproof.

Would you need to declare that you're not a member of any armed organization?

That's a very good question. You don't have to declare that you are not a member of an organization. You have to declare that you will have no public political activities. I cannot force you to have a belief, not to believe, and so on. But you cannot have a public stand or public activity, including on social media. We clearly detail the difference between your freedom of thoughts and the expected behavior for you as a civic servant.

On Sept. 30, an Israeli airstrike in Tyre, Lebanon, killed Fateh Sherif, and

his family; Israel called him the head of Hamas in Lebanon. He was also a principal of an UNWRA school.

The famous Fateh Sherif. In March, it came to my attention that he might be a member of Hamas. On the very same day, I took the decision to suspend the person, to put him under investigation—suspension without pay, obviously—with the objective that, if true, he would be dismissed. [The internal investigation was still ongoing at the time of the strike.] It triggered some reaction from the community, and they put pressure on the agency. They prevented the staff from getting to headquarters in Beirut and to one or two centers we had in [refugee] camps. I went to Lebanon, and met all the political factions and the Lebanese authorities, and I told them that I will not tolerate any pressure of any kind—that we have a suspicion, we will investigate, and if you continue, I'm more than happy to hand over the keys to the political faction. The pressure stopped.

Read more: *A Palestinian Photographer Reflects on One Year of Life and Death in Gaza*

Israel is not stopping, though. The Knesset bill would put you out of business in Gaza and the West Bank, wouldn't it?

Aiming at dismantling an agency like UNWRA has nothing to do with issues related to neutrality. It's all about aiming at stripping the Palestinian from the refugee status, weakening the aspiration of the Palestinian to self-determination, and therefore also weakening the idea of a two-state solution. At the beginning of the war, when you had this equation of "Hamas equals Gaza" that paved the way for all the dehumanization and making the unbearable bearable. Now you equate Hamas to Gaza to UNRWA—get rid of all three. The attacks on UNRWA are not just attacks on the agency. These are attacks on anyone who is promoting respect for international humanitarian law, on anyone promoting the idea that we are living in a rule-based world.

How so?

When the war turned also into a war of propaganda or a war of narratives, it's convenient not to have international journalists on the ground. And [Israel] also tried to silence the outspoken voices of what remains from the U.N. I

personally have not been allowed to go back to Gaza since January. I'm not allowed to go to Jerusalem since June. But the agency conveyed the suffering and the plight of the Palestinian people, and a lot had been used later for submission to the International Criminal Court [which on Nov. 21 issued arrest warrants for Israeli Prime Minister Benjamin Netanyahu and then Defense Minister Yoav Gallant, as well as for Hamas leader Mohammed Deif]. That's why I warn that beyond the attack on UNRWA—that aims to unilaterally change the political power parameters in the context of Israel and Palestine—these are also attacks against the United Nations system and the broader rule-based order, the multilateral system we have inherited after World War II. If we do not push back, sooner or later this will become the new norm. We have more than 50 conflicts going on across the world. Not acting here will certainly inspire others to apply the same recipe.

A United Nations flag flies at a camp, operated by the United Nations Relief and Works Agency (UNRWA), for displaced Palestinians in western Khan Younis, Gaza, on Oct. 17, 2023. Ahmad Salem—Bloomberg via Getty Images

In past Gaza wars, that rules-based system held fast. UNRWA was considered neutral ground, even though it has always spoken out for Palestinians.

We are here to advocate for the rights of Palestinian refugees. We are a voice. Look at the situation in Gaza. Either you believe the Palestinian narrative, or

you believe the Israeli narrative. So if you are a privileged witness of what is going on, and you see such blatant disregard of international humanitarian law, you have tell what's going on. If you don't, you enter into a situation where people decide to believe what they want to believe.

What's fascinating when you look at this conflict is the extraordinary polarization. [On one side,] you have a total empathy or compassion for what happened to Israel, and rightly so. People are deeply, deeply traumatized. And this needs to be understood. But if you look only through this lens, you justify the disproportionate response on Gaza and the human tragedy that we are witnessing. Or [on the other side,] if you look at the human tragedy in Gaza, and you primarily feel for the Palestinian, you say the Israeli disproportionate response is horrible—"I cannot feel what they felt, because it cannot be justified." There is this mutual absence of empathy. It fuels this polarization. And it's a very dangerous now, in the Arab world, in the Arab Street, or, even more broadly, in the Global South.

Read more: *How UNRWA Aid Helped My Entire Family Survive*

You've lost a lot of people.

It's unprecedented in the history of the United Nations. More than 240 staff killed. It's unprecedented that more than 200 premises would be damaged or completely destroyed, and hundreds of people died when they were seeking the protection of the U.N. emblem. We had also convoys regularly being prevented to move, or being attacked despite deconfliction.

The political side of Hamas has been running Gaza since 2007. Haven't they had issues with UNRWA as well?

They criticize our summer camps. Our camps were super, super popular. We brought together girls and boys for sport, music. And they just hated it. They were also very unhappy with a recent code of ethics that we have distributed to the agency, because obviously a U.N. code of ethics promotes diversity and gender equality and so on.

What are the practical implications of the Knesset laws barring any Israeli contact with UNRWA?

There are laws which, years later, are still not implemented. So that could be a possibility. Do we really want to throw the baby with the water? The areas where we are irreplaceable are education and health. On the West Bank alone, we have 17,000 staff, 50,000 pupils in our schools, 400,000 people on our health care center. We stop tomorrow, those people are out of schools, and 400,000 people will not have access to health care.

In Gaza, no one is going to school but half the people are under 18. They live in the rubble, deeply traumatized. If we have a cease fire tomorrow, priority number one is to find a way to bring them back into a learning environment. Israel doesn't want the Palestinian Authority there. By law, Israel, as the occupying power, has the responsibility to provide education.

Is this just a matter of UNWRA having a problematic reputation?

If U.N. member states believe that it is a branding issue, nothing should prevent them [from changing the name]. As long the branding does not weaken the future right of the Palestinian refugees, that can be an option.

But it's false to believe that if the provision of services by UNWRA stops, there would be no refugees. The issue of a state, the status of refugees, right of return—all these political issues will not be addressed if you make UNRWA disappear.

MORE MUST-READS FROM TIME

- Inside **Elon Musk's War** on Washington
- Meet the **2025 Women of the Year**
- The Harsh Truth About **Disability Inclusion**
- Why Do More **Young Adults Have Cancer?**
- **Colman Domingo** Leads With Radical Love
- How to Get Better at **Doing Things Alone**
- **Cecily Strong** on Goober the Clown
- Column: The Rise of **America's Broligarchy**

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If you have ever wondered why you look and feel your absolute worst in the mornings, then you need to read this story about how I discovered an amazing product called Blissy...

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Michelle Trachtenberg Dies at 39

The actor starred in Harriet the Spy as well as later stints on Buffy the Vampire Slayer and Gossip Girl.

TIME

Electricians have concluded: Solar panels are only worth it if your roof...

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My knees feel like they are 20 years younger literally.

For all my friends who suffer from daily knee pain, this is what I was talking about.

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South Korean Actor Kim Sae-ron Dies Age 24

The 24-year-old actress' death has triggered calls for change to the way South Korean celebrities are treated in the public arena and on social media.

TIME

The amazing change in wood-splitting methods in British households.

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Annex 45

United Nations Security Council, Resolution 1624 (2005) (14 September 2005)

UN Doc. S/RES/1624(2005)

United Nations S/RES/1624 (2005)

Security Council

Distr.: General
14 September 2005

Resolution 1624 (2005)

Adopted by the Security Council at its 5261st meeting, on 14 September 2005

The Security Council,

Reaffirming its resolutions 1267 (1999) of 15 October 1999, 1373 (2001) of 28 September 2001, 1535 (2004) of 26 March 2004, 1540 (2004) of 28 April 2004, 1566 (2004) of 8 October 2004, and 1617 (2005) of 29 July 2005, the declaration annexed to its resolution 1456 (2003) of 20 January 2003, as well as its other resolutions concerning threats to international peace and security caused by acts of terrorism,

Reaffirming also the imperative to combat terrorism in all its forms and manifestations by all means, in accordance with the Charter of the United Nations, and also *stressing* that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights law, refugee law, and humanitarian law,

Condemning in the strongest terms all acts of terrorism irrespective of their motivation, whenever and by whomsoever committed, as one of the most serious threats to peace and security, and *reaffirming* the primary responsibility of the Security Council for the maintenance of international peace and security under the Charter of the United Nations,

Condemning also in the strongest terms the incitement of terrorist acts and *repudiating* attempts at the justification or glorification (*apologie*) of terrorist acts that may incite further terrorist acts,

Deeply concerned that incitement of terrorist acts motivated by extremism and intolerance poses a serious and growing danger to the enjoyment of human rights, threatens the social and economic development of all States, undermines global stability and prosperity, and must be addressed urgently and proactively by the United Nations and all States, and *emphasizing* the need to take all necessary and appropriate measures in accordance with international law at the national and international level to protect the right to life,

Recalling the right to freedom of expression reflected in Article 19 of the Universal Declaration of Human Rights adopted by the General Assembly in 1948 ("the Universal Declaration"), and recalling also the right to freedom of expression

in Article 19 of the International Covenant on Civil and Political Rights adopted by the General Assembly in 1966 ("ICCPR") and that any restrictions thereon shall only be such as are provided by law and are necessary on the grounds set out in paragraph 3 of Article 19 of the ICCPR,

Recalling in addition the right to seek and enjoy asylum reflected in Article 14 of the Universal Declaration and the non-refoulement obligation of States under the Convention relating to the Status of Refugees adopted on 28 July 1951, together with its Protocol adopted on 31 January 1967 ("the Refugees Convention and its Protocol"), and also *recalling* that the protections afforded by the Refugees Convention and its Protocol shall not extend to any person with respect to whom there are serious reasons for considering that he has been guilty of acts contrary to the purposes and principles of the United Nations,

Reaffirming that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations and that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations,

Deeply concerned by the increasing number of victims, especially among civilians of diverse nationalities and beliefs, caused by terrorism motivated by intolerance or extremism in various regions of the world, *reaffirming* its profound solidarity with the victims of terrorism and their families, and *stressing* the importance of assisting victims of terrorism and providing them and their families with support to cope with their loss and grief,

Recognizing the essential role of the United Nations in the global effort to combat terrorism and *welcoming* the Secretary-General's identification of elements of a counter-terrorism strategy to be considered and developed by the General Assembly without delay with a view to adopting and implementing a strategy to promote comprehensive, coordinated and consistent responses at the national, regional and international level to counter terrorism,

Stressing its call upon all States to become party, as a matter of urgency, to the international counter-terrorism Conventions and Protocols whether or not they are party to regional Conventions on the matter, and to give priority consideration to signing the International Convention for the Suppression of Nuclear Terrorism adopted by the General Assembly on 13 April 2005,

Re-emphasizing that continuing international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, and addressing unresolved regional conflicts and the full range of global issues, including development issues, will contribute to strengthening the international fight against terrorism,

Stressing the importance of the role of the media, civil and religious society, the business community and educational institutions in those efforts to enhance dialogue and broaden understanding, and in promoting tolerance and coexistence, and in fostering an environment which is not conducive to incitement of terrorism,

Recognizing the importance that, in an increasingly globalized world, States act cooperatively to prevent terrorists from exploiting sophisticated technology, communications and resources to incite support for criminal acts,

Recalling that all States must cooperate fully in the fight against terrorism, in accordance with their obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or commission of terrorist acts or provides safe havens,

1. *Calls upon* all States to adopt such measures as may be necessary and appropriate and in accordance with their obligations under international law to:

(a) Prohibit by law incitement to commit a terrorist act or acts;

(b) Prevent such conduct;

(c) Deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct;

2. *Calls upon* all States to cooperate, inter alia, to strengthen the security of their international borders, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures with a view to preventing those guilty of the conduct in paragraph 1 (a) from entering their territory;

3. *Calls upon* all States to continue international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, and to take all measures as may be necessary and appropriate and in accordance with their obligations under international law to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters;

4. *Stresses* that States must ensure that any measures taken to implement paragraphs 1, 2 and 3 of this resolution comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law;

5. *Calls upon* all States to report to the Counter-Terrorism Committee, as part of their ongoing dialogue, on the steps they have taken to implement this resolution;

6. *Directs* the Counter-Terrorism Committee to:

(a) Include in its dialogue with Member States their efforts to implement this resolution;

(b) Work with Member States to help build capacity, including through spreading best legal practice and promoting exchange of information in this regard;

(c) Report back to the Council in twelve months on the implementation of this resolution.

7. *Decides* to remain actively seized of the matter.

Annex 46

Convention (II) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, International Conferences (The Hague), 29 July 1899, [Article 43, excerpt]

Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 29 July 1899.

(List of Contracting Parties)

Considering that, while seeking means to preserve peace and prevent armed conflicts among nations, it is likewise necessary to have regard to cases where an appeal to arms may be caused by events which their solicitude could not avert;

Animated by the desire to serve, even in this extreme hypothesis, the interests of humanity and the ever increasing requirements of civilization;

Thinking it important, with this object, to revise the laws and general customs of war, either with the view of defining them more precisely or of laying down certain limits for the purpose of modifying their severity as far as possible;

Inspired by these views which are enjoined at the present day, as they were twenty-five years ago at the time of the Brussels Conference in 1874, by a wise and generous foresight;

Have, in this spirit, adopted a great number of provisions, the object of which is to define and govern the usages of war on land.

In view of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations.

It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice.

On the other hand, it could not be intended by the High Contracting Parties that the cases not provided for should, for want of a written provision, be left to the arbitrary judgment of the military commanders.

Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience;

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood;

The High Contracting Parties, desiring to conclude a Convention to this effect, have appointed as their
Plenipotentiaries, to wit:

(Here follow the names of Plenipotentiaries)

Who, after communication of their full powers, found in good and due form, have agreed on the following:

Article. 1. The High Contracting Parties shall issue instructions to their armed land forces, which shall be in conformity with the "Regulations respecting the laws and customs of war on land" annexed to the present Convention.

Art. 2. The provisions contained in the Regulations mentioned in Article I are only binding on the Contracting Powers, in case of war between two or more of them.

These provisions shall cease to be binding from the time when, in a war between Contracting Powers, a non-Contracting Power joins one of the belligerents.

Art. 3. The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at The Hague.

A ' procès-verbal ' shall be drawn up recording the receipt of each ratification, and a copy,

Art. 41. A violation of the terms of the armistice by private individuals acting on their own initiative, only confers the right of demanding the punishment of the offenders, and, if necessary, indemnity for the losses sustained.

SECTION III
On military authority over hostile territory

Art. 42. Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation applies only to the territory where such authority is established, and in a position to assert itself.

Art. 43. The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

Art. 44. Any compulsion of the population of occupied territory to take part in military operations against its own country is prohibited.

Art. 45. Any pressure on the population of occupied territory to take the oath to the hostile Power is prohibited.

Art. 46. Family honours and rights, individual lives and private property, as well as religious convictions and liberty, must be respected.

Private property cannot be confiscated.

Art. 47. Pillage is formally prohibited.

Art. 48. If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do it, as far as possible, in accordance with the rules in existence and the assessment in force, and will in consequence be bound to defray the expenses of the administration of the occupied territory on the same scale as that by which the legitimate Government was bound.

Art. 49. If, besides the taxes mentioned in the preceding Article, the occupant levies other money taxes in the occupied territory, this can only be for military necessities or the administration of such territory.

Art. 50. No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it cannot be regarded as collectively responsible.

Art. 51. No tax shall be collected except under a written order and on the responsibility of a commander-in-chief.

This collection shall only take place, as far as possible, in accordance with the rules in existence and the assessment of taxes in force.

For every payment a receipt shall be given to the taxpayer.

Art. 52. Neither requisitions in kind nor services can be demanded from communes or

Intentionally left blank

Annex 48

Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War ("Fourth Geneva Convention"), 12 August 1949, 75 U.N.T.S. 287

IV

GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1949

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Children

ART. 50. — The Occupying Power shall, with the co-operation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

A special section of the Bureau set up in accordance with Article 136 shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.

The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war, which may have been adopted prior to the occupation in favour of children under fifteen years, expectant mothers, and mothers of children under seven years.

Enlistment. Labour

ART. 51. — The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted.

The Occupying Power may not compel protected persons to work unless they are over eighteen years of age, and then only on work which is necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country. Protected persons may not be compelled to undertake any work which would involve them in the obligation of taking part in military operations. The Occupying Power may not compel protected persons to employ forcible means to ensure the security of the installations where they are performing compulsory labour.

The work shall be carried out only in the occupied territory where the persons whose services have been requisitioned are. Every such person shall, so far as possible, be kept in his usual place of employment. Workers shall be paid a fair wage and the work shall be proportionate to their physical and intellectual capacities. The legislation in force in the occupied country concerning working conditions, and safeguards as regards, in particular, such matters as wages, hours of work, equipment, preliminary training and compensation for occupational accidents and diseases, shall be

applicable to the protected persons assigned to the work referred to in this Article.

In no case shall requisition of labour lead to a mobilization of workers in an organization of a military or semi-military character.

Protection of workers

Art. 52. — No contract, agreement or regulation shall impair the right of any worker, whether voluntary or not and wherever he may be, to apply to the representatives of the Protecting Power in order to request the said Power's intervention.

All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.

Prohibited destruction

Art. 53. — Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

Judges and public officials

Art. 54. — The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

This prohibition does not prejudice the application of the second paragraph of Article 51. It does not affect the right of the Occupying Power to remove public officials from their posts.

Food and medical supplies for the population

Art. 55. — To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

Hygiene and public health

ART. 56. — To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the co-operation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.

If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.

In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory.

Requisition of hospitals

ART. 57. — The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation.

The material and stores of civilian hospitals cannot be requisitioned so long as they are necessary for the needs of the civilian population.

Spiritual assistance

ART. 58. — The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

Relief

I. Collective relief

ART. 59. — 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.

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

II. Responsibilities of the Occupying Power

ART. 60. — Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59. The Occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power.

III. Distribution

ART. 61. — The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the co-operation and under the supervision of the Protecting Power. This duty may also be delegated, by agreement between the Occupying Power and the Protecting Power, to a neutral Power, to the International Committee of the Red Cross or to any other impartial humanitarian body.

Such consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory. The Occupying Power shall facilitate the rapid distribution of these consignments.

All Contracting Parties shall endeavour to permit the transit and transport, free of charge, of such relief consignments on their way to occupied territories.

IV. Individual relief

ART. 62. — Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments sent to them.

National Red Cross and other relief societies

ART. 63. — Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power:

a) recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross Principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions;

Annex 49

Jean S. Pictet, The Geneva Conventions of 12 August 1949 Commentary – IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War (International Committee of the Red Cross, 1958) *[p. 310, 313, 321, 33, excerpt]*

THE GENEVA CONVENTIONS OF 12 AUGUST 1949

COMMENTARY

published under the general editorship of

Jean S. PICTET
Doctor of Laws
Director for General Affairs of the International Committee of the Red Cross

IV

GENEVA CONVENTION

RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR

Inter *arma*

caritas

GENEVA
INTERNATIONAL COMMITTEE OF THE RED CROSS
1958

to the traditional idea of the law of war, according to which belligerents sought to destroy the power of the enemy State, and not individuals. The rule that the Occupying Power is responsible for the provision of supplies for the population places that Power under a definite obligation to maintain at a reasonable level the material conditions under which the population of the occupied territory lives. The inclusion of the phrase " to the fullest extent of the means available to it " shows, however, that the authors of the Convention did not wish to disregard the material difficulties with which the Occupying Power might be faced in wartime (financial and transport problems, etc.) ; but the Occupying Power is nevertheless under an obligation to utilize all the means at its disposal.

Supplies for the population are not limited to food, but include medical supplies and any article necessary to support life.

The term " population " is general ; it is not confined to civilians but will on occasion include members of the armed forces detained in the occupied territory[1].

The duty of ensuring supplies is reinforced by an obligation to bring in the necessary articles when the resources of the occupied territory are inadequate. It should be noted that the Convention does not lay down the method by which this is to be done. The occupying authorities retain complete freedom of action in regard to this, and are thus in a position to take the circumstances of the moment into account.

What is essential is that the Occupying Power should, in good time and with the means available to it, take measures to procure the necessary food for the population of the occupied territory ; it does not matter whether it comes from its own national territory or from any other country—allied, neutral or even enemy.

In the absence of special provisions relating to these imports, rules similar to those laid down in the case of relief supplies would seem to be applicable ; supplies imported by the Occupying Power for the exclusive use of the population of an occupied territory should, for example, enjoy free transit, subject to the right of verification and regulation by the Power according such transit ; as has been seen in the comments on Article 23, a right of free passage must be granted, under certain circumstances, even to consignments intended for the civilian population of the enemy Power; that right is obviously even more more legitimate when assistance is being given to the population of an occupied country.

---

[1] See *Final Record of the Diplomatic Conference of Geneva of 1949*, Vol. II-A, p. 745.

If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.

In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory.

General

The health conditions under which the inhabitants of occupied territory lived during the Second World War were often deplorable. Insufficient food, lack of medical supplies and the influx of refugees favoured the spread of epidemics, and the steps taken by certain belligerents to ease the plight of the inhabitants—the opening of new hospitals, out-patients' clinics and medical diagnosis and disinfection centres, the adoption of modern methods of control of epidemics, the supervision of hygiene and the adoption of preventive measures—were often only able to deal with the most urgent cases.

The International Committee of the Red Cross recommended, on the basis of the experience gained during the Second World War[1], that as soon as hostilities ended, specific measures should be taken to prevent any repetition of this state of affairs.

Paragraph 1. — Hygiene and public health

The reference in the Article to " the co-operation of national and local authorities "—a formula we have already seen in Article 50 in connection with children's institutions—shows clearly that there can be no question of making the Occupying Power alone responsible for the whole burden of organizing hospitals and health services and taking measures to control epidemics. The task is above all one for the competent services of the occupied country itself. It is possible that in certain cases the national authorities will be perfectly well able to look after the health of the population ; in such cases the Occupying Power will not have to intervene ; it will merely avoid hampering the work of the organizations responsible for the task. In most cases, however, the invading forces will be occupying a country suffering

[1] See *Report of the International Committee of the Red Cross on its activities during the Second World War*, Vol. I, pp. 710 et sqq.

PARAGRAPH 2. — QUALIFICATION FOR UNDERTAKING A RELIEF ACTION — NATURE OF RELIEF

Relief schemes may be undertaken either by States or by an impartial humanitarian organization such as the International Committee of the Red Cross. Only those States which are neutral—in particular the Protecting Power—are capable of providing the essential guarantees of impartiality.

The International Committee of the Red Cross or any other " impartial humanitarian organization " has the same right as a State to undertake relief schemes. This form of words, which, as has been seen occurs several times in the Convention (e.g. in Article 3 and 10), is general enough to cover any institutions or organizations capable of acting effectively and worthy of trust. The International Committee is mentioned both on account of its own special qualifications and as an example of a humanitarian organization whose impartiality is assured.

The Convention does not lay down any rule in regard to the donors ; the immensity of the needs will make it desirable to accept the co-operation of any person, organization or institution which can lend assistance, provided that such assistance is not used for purposes of political propaganda. During the Second World War innumerable gifts in kind and cash were made available to the Red Cross for this relief work, by States, governments in exile, National Red Cross Societies, charitable institutions, companies and private individuals.

The paragraph mentions in particular foodstuffs, medical supplies and clothing ; consignments need not be restricted to these items but must have the character of relief supplies. Three categories of relief have been mentioned specifically because they are of vital importance and the Occupying Power would be justified in refusing to accept any consignments not urgently needed to feed the population.

PARAGRAPH 3. — FREE PASSAGE

This paragraph, which reproduces word for word that in the Stockholm Draft, is the keystone of the whole system. Its importance will be realized if a moment's thought is given to the way in which consignments were interfered with during the Second World War by measures taken by certain belligerents with a view to striking at the economic power of the enemy. The economic and financial blockade of the European continent which was inaugurated on the declaration of war, the counter-blockade and the gradual extension of the meaning of " war contraband " until it covered almost anything, prevented

Societies at Geneva ; finally, in 1948, it was considered by the XVIIth International Red Cross Conference at Stockholm[1].

The International Committee of the Red Cross wished to see protection accorded in the text of a Convention to the National Red Cross Societies in occupied territory. During the war, the Committee had on various occasions regretted that there were no written provisions on which it could base the representations it made each time measures adopted by the occupation authorities were in its opinion detrimental to the activities of a National Society, especially when leading members of the Red Cross were arrested[2].

PARAGRAPH 1. — RESPECT FOR NATIONAL RED CROSS SOCIETIES AND OTHER RELIEF SOCIETIES. — RESERVATION

1. *Continuation of humanitarian activities*

The continuation of the activities of National Societies is subject to two conditions :

1. The National Society must have been duly recognized as a National Red Cross Society, which would imply that it had also been recognized by its government.

2. The activities of the Society must be in accordance with Red Cross principles " as defined by the International Red Cross Conferences ". This wording covers both the Geneva Conventions (of 1864, 1906, 1929 and 1949) and the conditions for the recognition of new Red Cross Societies ; it also includes the resolutions in general terms adopted by the various International Red Cross Conferences[3].

This conception of the mission of the Red Cross implies a very broad interpretation of the word " activities ". Whether the activities in question are the traditional activities of the Red Cross or some

[1] See *Report on the Work of the Preliminary Conference of National Red Cross Societies for the Study of the Conventions and of Various Problems relative to the Red Cross*, pp. 115-116 ; *Handbook of the International Red Cross*, Geneva, 1953, pp. 448-450.

[2] See *Report of the International Committee of the Red Cross on its activities during the Second World War*, Vol. I, pp. 169-170.

[3] These resolutions have been collected together in the *Handbook of the International Red Cross*. The principle of humanity—that is the idea that any suffering man must be assisted and treated humanely—the notions of equality as between men, due proportion between the relief given and the need for it, military, political, religious and philosophical neutrality, and the independence, impartiality, universality and equality of the National Societies form the basis of this system of rules. The whole work of the Red Cross must be linked with these fundamental conceptions. See on this subject : Max HUBER : *Principes, tâches et problèmes de la Croix-Rouge dans le droit des gens*, 1944 ; Jean S. PICTET : *Red Cross Principles*, 1955.

ratification. From that date, the State in question will be bound by the Convention in its relations with all Powers which have ratified it not less than six months before. Thereafter, it will be bound in its relations with other Powers six months after each of them has ratified the Convention.

ARTICLE 154. — RELATION WITH THE HAGUE CONVENTIONS

In the relations between the Powers who are bound by the Hague Conventions respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and who are parties to the present Convention, this last Convention shall be supplementary to Sections II and III of the Regulations annexed to the above-mentioned Conventions of The Hague.

1. *General Observations and Historical Survey*

When the Geneva Diplomatic Conference of 1929 expressed a wish for an improvement in the protection of civilians under international law, it might have been thought that such protection could be ensured by a development of the Fourth Hague Convention of 1907.

However, the tragic events of which so many civilians were victim during the Second World War showed that such a vital problem could only be solved by means of special regulations, and it was recognized that a completely new and separate diplomatic instrument would have to be drawn up. Those who took part in the preparatory work had such an instrument in mind.

Once the text was drawn up, it was necessary to specify the relationship between the new Convention and the Hague Regulations, which contain general provisions forming the basis for the protection of civilians in time of war, particularly in occupied territory. Article 154 is therefore based on the need to specify the relationship of the Convention with the Hague Regulations. Various drafts were put forward. Some had thought that the new Convention could be said to " replace " the 1907 Hague Regulations in respect of subjects dealt with in the Convention. Finally, the 1949 Diplomatic Conference decided in favour of a proposal made by the International Committee of the Red Cross at the Conference of Government Experts in 1947.

The wording adopted by the Diplomatic Conference is similar to that which specifies the relationship between the Third Geneva Con-

Annex 50

Yoram Dinstein, *The International Law of Belligerent Occupation* (2nd edition, Cambridge University Press, 2019) *[p. 7, para. 18, excerpt]*

The International Law of Belligerent Occupation

Second Edition

YORAM DINSTEIN

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inaction would surely amount to a breach of Regulation 43. There is a dictum pregnant with meaning – in a Judgment delivered by the Israel Supreme Court (per Justice D. Levin) in the *Taha* case – that, at the time of the first *intifada*, the military government had a *duty* (the word is underlined in the original) to cope with a major upheaval in the occupied territories.[578]

284. The danger to the safety of the civilian population may emanate not only from inside an occupied territory but also from the outside. In 1991, when Israel was attacked by Iraqi Scud missiles, and there was an apprehension that chemical warheads might be used, gas masks were distributed to the entire population of the country. Yet, the distribution did not embrace the Palestinians in the West Bank and the Gaza Strip. In the *Murkos* case, the Supreme Court (per Justice Barak) held that, under Regulation 43, the Occupying Power is required (as far as possible) to look after the security needs of all the inhabitants of the occupied territories, and, since gas masks were handed out to Israeli settlers, they had to be provided without discrimination to the Palestinians as well.[579]

285. The first part of Regulation 43 creates an obligation for the Occupying Power to take proper (and feasible) steps to protect the civilian population. The obligation is crystal clear, but there can be no responsibility without power. The Occupying Power cannot be denied a commensurate authority enabling the proper discharge of its duties. The first part of Regulation 43 must be read as an empowerment to do what is necessary to carry out the allotted tasks of maintaining law and order in the occupied territory.

286. This is corroborated by Article 27 (fourth paragraph) of Geneva Convention (IV):

> However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.[580]

The ICRC Commentary observes that '[t]he various security measures which states might take are not specified; the Article merely lays down a general provision'.[581] The choice of means deemed necessary to contend with the problems of control and security – as per Article 27 (fourth paragraph) – is left to the Occupying Power, subject of course to express limitations laid down in other provisions of the Geneva Convention or the Hague Regulations.

[578] HCJ 591/88, *Taha (minor)* et al. *v. Minister of Defence* et al., 45(2) *PD* 45, 63. (The Judgment is excerpted in English in 23 *IYHR* 300 (1993)).
[579] HCJ 168/91, *Murkos v. Minister of Defence* et al., 45(1) *PD* 467, 470–1. (The Judgment is excerpted in English in 23 *IYHR* 339 (1993)).
[580] Geneva Convention (IV), *supra* note 29, at 589.
[581] *Commentary, IV Geneva Convention*, *supra* note 31, at 207.

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Annex 51

'Hamas War Room Found Embedded Inside an UNRWA School', The UNRWA-HAMAS Connection (14 May 2024)

The UNRWA-Hamas Connection

May 14, 2024

Hamas War Room Found Embedded Inside an UNRWA School

14.05.24

Based on IDF and ISA intelligence, the IAF carried out a precise strike on a central Hamas war room commanders embedded inside an UNRWA school in the area of Nuseirat. The war room was used by terrorist operatives in Hamas' military wing. The strike was carried out using precise munitions in order to minimize harm to uninvolved civilians.

The Hamas war room had been used by the terrorist organization to plan multiple attacks against IDF troops in central Gaza in recent weeks. The Nukhba terrorists situated inside the war room took part in the October 7th Massacre and carried out ambushes and attacks on IDF troops in Gaza. In the IAF strike, approximately 15 operatives from terrorist organizations in the Gaza Strip were eliminated, more than 10 of which were part of Hamas.

The Hamas terrorist organization systematically exploits the civilian population and institutions as human shields for their terrorist activities against the State of Israel.

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UNRWA Exploitation of Schools / Kindergartens / Homes

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Annex 52

'Inside UNRWA Facilities: Weapons and Underground Hamas Intelligence Asset', The UNRWA-HAMAS Connection (10 February 2024)

February 10, 2024

Inside UNRWA Facilities: Weapons and Underground Hamas Intelligence Asset

10.02.24

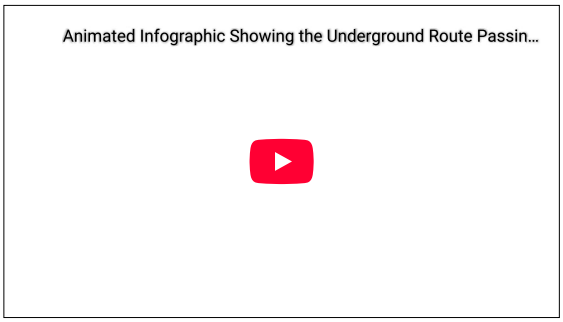
IDF , Media Center

Over the last two weeks, IDF and ISA forces have been conducting a division-level targeted raid on terror targets in northern and central Gaza.

The forces operated in the areas of Shati and Tel al-Hawa in northern Gaza. Approximately 120 Hamas terrorists were killed and 20 terrorist infrastructure sites were destroyed as part of the operation.

Following ISA intelligence, the forces arrived at a tunnel shaft near an UNRWA school. The shaft led to an underground terror tunnel that served as a significant asset of Hamas' military intelligence and passed under the building that serves as UNRWA's main headquarters in the Gaza Strip.

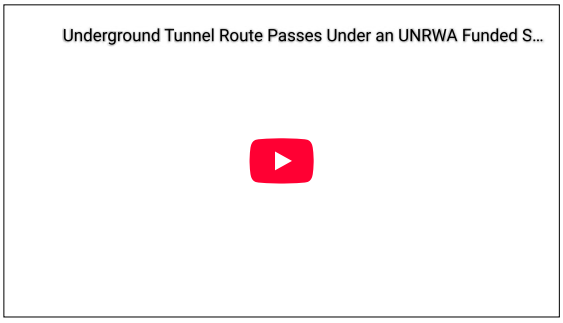
Infographic showing the underground route passing between UNRWA infrastructure



The tunnel was 700 meters long and 18 meters deep and contained several blast doors. A wide variety of intelligence assets were seized during the operation. The newly-found intelligence will allow the forces to operate against additional Hamas targets. The dismantling of the tunnel weakens Hamas' intelligence capabilities.

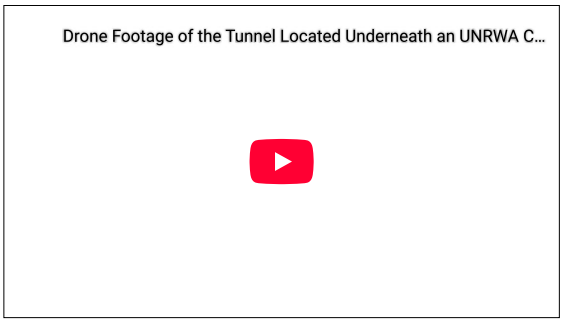
The forces located electrical infrastructure inside the tunnel connected to UNRWA's main headquarters, under which the underground tunnel was located, indicating that UNRWA's facilities supplied the tunnel with electricity.

Inside the underground tunnel route that passes under an UNRWA funded school

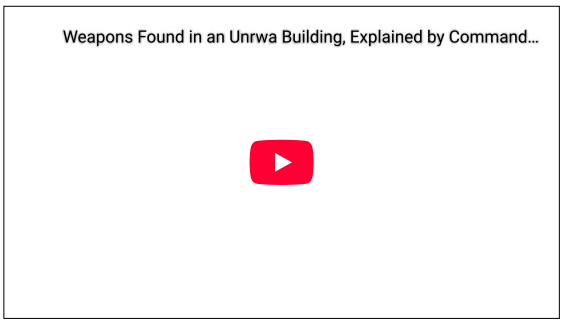


Following these findings and based on preliminary ISA intelligence, the forces conducted a targeted raid on UNRWA's central headquarters, which contains offices for various humanitarian and international organizations. Large quantities of weapons were found inside the rooms of the building, including rifles, ammunition, grenades and explosives. Intelligence and documents discovered in the offices of UNRWA officials confirmed that the offices had in fact also been used by Hamas terrorists.

Attached is drone footage of the tunnel located underneath an UNRWA compound:

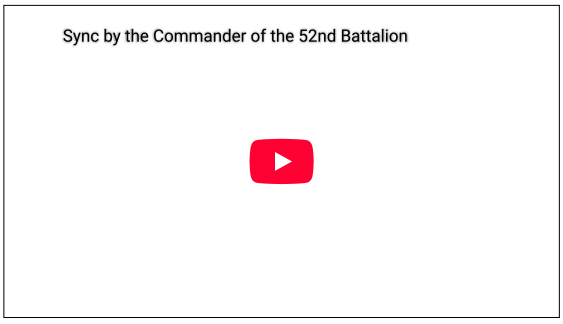


Weapons found in an UNRWA building, explained by the Commander of the 401st Brigade Combat Team:

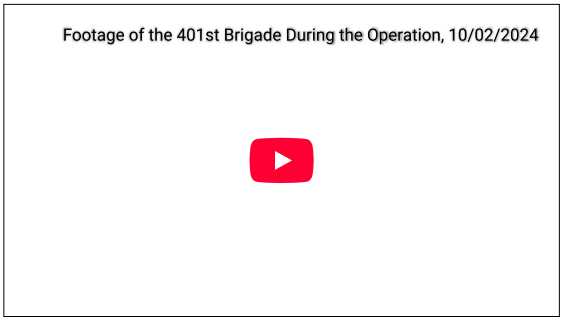


Sync by a Shayetet 13 Company Commander, CDR A.:

Sync by the Commander of the 52nd Battalion, LTC Daniel:



Footage of the 401st Brigade during the operation:



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Terms

Annex 53

Danish Ministry of Defence, 'Military Manual on International Law Relevant to Danish Armed Forces in International Operations' (2016), *[p. 440-441, excerpt]*

Danish Ministry of Defence • Defence Command Denmark

MILITARY MANUAL

ON INTERNATIONAL LAW RELEVANT TO DANISH ARMED FORCES IN INTERNATIONAL OPERATIONS

4.3
Administration of the occupied territory

As mentioned, the occupying power must allow the population in the occupied territory to continue living as uncomplicated a life as possible in the situation. IHL imposes a number of obligations on the occupying power in this respect. These obligations must be balanced against the relatively far-reaching opportunities for exploiting the resources available in the occupied territory.

As is the case in the field of healthcare, for example, the level of protection and welfare in Denmark may differ significantly from that in the territorial State. International law contains no obligation to provide the civilian population in the occupied territory with the standard applicable in the Danish healthcare system or to implement the standards and legislation applicable in the Danish labour market.

Rather, the conditions in the territorial State prior to occupation constitute the relevant standard in international law. Only one modification may be necessary: If the standard prior to occupation was at a level that must be regarded as life-threatening to all or parts of the civilian population, the occupying power must – to the extent possible – raise the level to a minimum that ensures the basic vital healthcare necessities for the population. More detailed information is available below.

Whether and to what extent such protection must be provided may depend on a number of factors: for example, the security situation, the available resources, the local expertise, and any joint initiatives that are aimed towards reconstruction and assistance to a higher level than before, perhaps in combination with a desire to promote a focus on human rights, including working conditions, security, etc.

This means that, in this area as well, HRL establishes the **minimum degree of protection** to be offered civilians who are victims of armed conflict. Therefore, a higher degree of protection may always be afforded.

Food and other basic needs

The occupying power is responsible for ensuring that the civilian population does not starve or lack other basic needs. In addition to food and drink, these include medical supplies, clothing, shelter, bedding, and other supplies essential to the survival of the civilian population and objects necessary for religious worship.[26]

26 GC IV, Art. 55-59, and AP I, Art. 69.

The standard to be upheld is one that ensures the survival of the civilian population. On one hand, the occupying power is not under any obligation to maintain a higher standard in these areas than the one applicable prior to the outbreak of hostilities. On the other hand, the occupying power may need to improve conditions for the civilian population in areas where a shortage of essential supplies already exists prior to the hostilities. See also above about minimum protection.

The occupying power must ensure that the basic needs outlined above are met to the fullest extent within the means available to it. In situations in which an occupying power does not have access to the necessary means, the occupying power is under an obligation to enter into **relief schemes** with organisations or States that are able to secure the provision of essential supplies.[27] Such schemes do not limit the responsibility of the occupying power. All States must endeavour to allow for the transit and transport of such supplies intended for the population in need,[28] and the occupying power must allow for the reception of relief consignments by the civilian population for which they are intended. There may be cases in which security related considerations render it absolutely necessary to limit such access. These include cases in which the relief consignments benefit organised resistance movements in full or in part.

Against this background, HRL recognises that the occupying power may employ the necessary means to control whom the relief consignments actually benefit.[29] Even in situations in which it may be necessary to block relief consignments, however, the occupying power is under an obligation to ensure necessities of life for the civilian population.

Healthcare

In addition to securing medical supplies as set out above, the occupying power is responsible for ensuring the restoration or maintenance of the existing healthcare system to the fullest extent it is able. This includes hospitals, clinics, research centres, etc. HRL particularly highlights measures whose purpose is to combat and prevent the spreading of infectious diseases.

Medical personnel of all categories must be allowed to carry out their duties.[30] Reference is made to Chapter 7 on the protection of medical personnel, material, and installations.

27 GC IV, Art. 59-63, and AP I, Art. 69 and 71.

28 GC IV, Art. 61.

29 GC IV, Art. 62.

30 GC IV, Art. 56.

Annex 54

Marco Sassòli, International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare (1st edition, 2019), *[p.579, excerpt]*

10

SELECTED CROSS-CUTTING ISSUES

10.01 Many contemporary discussions concerning certain practices in armed conflicts and the rules that apply to them do not fit into only one of the protective IHL regimes discussed in Chapter 8. Rather, they are cross-cutting issues that must be solved on the basis of the answers to questions raised in different parts of this book. To give just one example, which is highlighted in the present chapter, whether the targeted killing of an individual by a missile fired from a remotely guided drone is lawful in a certain instance is only very marginally an issue of the means and methods of warfare. It is mainly a question of IHL's scope of application (namely, its material scope concerning whether an armed conflict exists, its geographical scope as to whether IHL applies outside the 'hot' battlefield and whether a sufficient nexus between the armed conflict and the drone attack exists), the relationship between IHRL and IHL, whether the target is legitimate and an issue of proportionality and precautionary measures. Although this chapter will inevitably refer to what has been discussed more thoroughly elsewhere in this book, the following sub-chapters also provide a good occasion for learners to repeat and deepen what they have studied in the previous chapters by combining and applying different rules to some hotly contested questions in IHL. In reality, it is rare that recourse to only one IHL rule or regime can solve a humanitarian problem arising in an armed conflict.

10.1 DOES IHL AUTHORIZE CONDUCT OR ONLY PROHIBIT AND PRESCRIBE IT?

It is controversial whether IHL authorizes certain conduct or only prohibits and prescribes it. This debate has many theoretical implications. It also has practical consequences where IHRL or domestic law require a legal basis for certain conduct or when the *lex specialis* between IHRL prohibitions and conduct tolerated by IHL must be determined. In my view, IHL does not confer States the right to adopt certain conduct. Such conduct is rather justified by their sovereignty or the de facto authority of an occupying power. IHL, however, contains some strong permissions that – without prejudice to *jus ad bellum* – explicitly or implicitly permit in cases of armed conflict certain conduct that is normally prohibited. Such strong permissions may constitute the *lex specialis* when

ii. The prohibition against arbitrarily denying consent

10.207 As explained above, IHL treaty rules require consent by the party concerned before humanitarian assistance may be delivered. The ICRC Commentary, the customary rule identified by the ICRC and the UN Guiding Principles on Internal Displacement, however, stipulate that consent may not be arbitrarily withheld if the conditions discussed above are fulfilled.[450] Even the UN Security Council recalled 'that arbitrary denial of humanitarian access…can constitute a violation of international humanitarian law.'[451] This interpretation is reasonable because the aforementioned rules would otherwise be superfluous, which would be contrary to the '*effet utile*' principle of interpretation. Indeed, the concerned State's consent would allow the delivery of all goods, including, for example, red paint and computer games, to persons under its jurisdiction, and a rule would not be required to permit this. Consequently, the question then becomes: when is a denial of consent arbitrary?

10.208 The denial of consent is justified (and therefore not arbitrary) if either the civilian population does not actually need the humanitarian assistance or if the entity offering it is unable to carry out relief actions that are exclusively humanitarian and impartial in character without any adverse distinction.

10.209 Beyond that, in my view, the focus should not be on defining what is arbitrary[452] because, among other things, it is not very efficient to start a negotiation on humanitarian access with a claim that the negotiating partner has acted arbitrarily. Such a claim may provide a better argument before the UN Security Council or when appealing to third States to ensure the respect of IHL in conformity with their obligations under Common Article 1. Rather, in my opinion, it is preferable to first invoke other international obligations that make it compulsory to accept an offer of assistance. Indeed, denying consent in violation of international obligations must be considered as 'arbitrary', and the fact that IHL subjects relief actions to a State's consent does not absolve that State from complying with its other obligations.

10.210 Such other obligations under IHL include the very limited obligation to allow passage of certain items under Article 23 of Convention IV mentioned above;

450 Updated ICRC Commentary GC I, para 834; Henckaerts and Doswald-Beck, 197; UN Guiding Principles on Internal Displacement, Principle 25(2), as annexed to UN Economic and Social Council, 'Report of the Representative of the Secretary-General, Mr. Francis M. Deng' (1998) UN Doc E/CN.4/1998/53/Add.2. For a similar view taken previously, see ICRC Commentary APs, para 4885.

451 UNSC Res 2139 (2014) preamble, para 10.

452 For the most detailed attempt, see Akande and Gillard, above note 446, paras 48–54. Concerning third States, see ibid., paras 108–19.

Annex 55

United States of America, Department of Defense, 'Law of War Manual' (July 2023), *[pp. 178-179, excerpt]*

DEPARTMENT OF DEFENSE
LAW OF WAR MANUAL

JUNE 2015
(Updated July 2023)

OFFICE OF GENERAL COUNSEL
DEPARTMENT OF DEFENSE

their duties.[499]

4.25.2 Duties of the Representatives or Delegates of the Protecting Power. The parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.[500]

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the 1949 Geneva Conventions.[501] They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.[502]

4.25.3 Restrictions on Representatives of the Protecting Powers. A belligerent may impose legitimate security restrictions on the activities of the delegates or representatives of the Protecting Powers working in its territory or in its facilities. However, belligerents should only restrict the activities of the representatives or delegates of the Protecting Powers "as an exceptional and temporary measure when this is rendered necessary by imperative military necessities."[503] For example, a belligerent may postpone a visit by Protecting Power representatives to a POW camp for security or humanitarian reasons, such as tactical movement of its own forces or to protect Protecting Power personnel from explosive remnants of war being cleared from recent military operations along the route to the POW camp.

4.26 ICRC AND OTHER IMPARTIAL HUMANITARIAN ORGANIZATIONS

The 1949 Geneva Conventions contemplate that the ICRC and other impartial humanitarian organizations may, subject to the consent of the parties to the conflict concerned, provide humanitarian aid and seek to ensure the protection of war victims in armed conflict.[504] In some cases, the ICRC or another impartial humanitarian organization may assume the humanitarian functions performed by the Protecting Powers.[505]

4.26.1 "Impartial". To be an "impartial humanitarian organization" under the 1949 Geneva Conventions, a humanitarian organization must be impartial. The requirement of impartiality distinguishes these humanitarian organizations from those with an allegiance to a

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[499] GPW art. 8 ("The said delegates shall be subject to the approval of the Power with which they are to carry out their duties."); GC art. 9 (same).

[500] GPW art. 8 ("The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers."); GC art. 9 (same).

[501] GPW art. 8 ("The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention."); GC art. 9 (same).

[502] GPW art. 8 ("They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties."); GC art. 9 (same).

[503] GWS art. 8; GWS-SEA art. 8 (same). *Refer to* § 9.33.1 (Access by Protecting Powers); § 10.33.1 (Access by Protecting Powers).

[504] *See, e.g.*, GWS art. 9 ("The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection" and relief of persons protected by the Convention); GWS-SEA art. 9 (same); GPW art. 9 (same); GC art. 10 (same).

[505] *Refer to* § 18.15.2 (Appointment of a Protecting Power).

party to the conflict, such as national red cross societies.[506]

4.26.2 Consent of the Parties to the Conflict Concerned. The activities of the ICRC or other impartial humanitarian organizations in a State's sovereign territory, or in the area of a State's military operations, are subject to the consent of that State.[507] The requirement of State consent is based on the State's sovereign right to control access to its territory and a belligerent's right to control access to its military operations or territory it occupies.[508] For example, members of impartial humanitarian organizations, like other civilians, may be removed from the vicinity of military objectives for their protection.[509]

States may grant access on a case-by-case basis; access granted to one impartial humanitarian organization does not constitute entitlement of access for other humanitarian organizations. Impartial humanitarian organizations that have been granted access must also act within the terms of this consent.[510] For comparison, the activities of the Protecting Power are also subject to the consent of the affected States.[511]

States should not arbitrarily withhold their consent to the activities of humanitarian organizations, even in non-international armed conflict.[512] Where a State has accepted the services of an impartial humanitarian organization, the State must not regard such service, such as the provision of medical care, as unlawful and subject to punishment.[513]

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[506] *Refer to* § 4.11 (Authorized Staff of Voluntary Aid Societies).

[507] *U.S. Comments on the International Committee of the Red Cross's Memorandum on the Applicability of International Humanitarian Law in the Gulf Region*, Jan. 11, 1991, DIGEST OF UNITED STATES PRACTICE IN INTERNATIONAL LAW 1991-1999 2057, 2066 ("The obligations set forth in this paragraph generally are subject to the consent of the parties to the conflict, as noted in Article 9 of the GPW and 10 of the GC. Although the U.S. historically has called upon the ICRC to assist it in implementation of the provisions of the 1949 Geneva Conventions, ultimately any decision to seek assistance of the ICRC or any other humanitarian organization is subject to the consent of the parties to the conflict in general and the host nation in particular.").

[508] *Refer to* § 5.19.1.1 (Belligerent Authority to Exercise Control in the Immediate Vicinity of Military Operations); § 11.4.1 (Right of the Occupying Power to Govern the Enemy Territory Temporarily).

[509] *Refer to* § 5.14.2 (Removing Civilians and Civilian Objects From the Vicinity of Military Objectives).

[510] *See* U.S. RESPONSE TO ICRC CIHL STUDY 520 ("We do not believe that rule 31, as drafted, reflects customary international law applicable to international or non-international armed conflicts. The rule does not reflect the important element of State consent or the fact that States' obligations in this area extend only to HRP [Humanitarian Relief Personnel] who are acting within the terms of their mission - that is, providing humanitarian relief. To the extent that the authors intended to imply a 'terms of mission' requirement in the rule, the authors illustrated the difficulty of proposing rules of customary international law that have been simplified as compared to the corresponding treaty rules.").

[511] *Refer to* § 18.15.3 (Activities of the Protecting Power).

[512] *Refer to* § 17.8.1 (State Consent for Humanitarian Organizations).

[513] Principles Related to the Protection of Medical Care Provided by Impartial Humanitarian Organizations During Armed Conflict, ¶VI, attachment to Ash Carter, Secretary of Defense, *Memorandum re: Principles Related to the Protection of Medical Care Provided by Impartial Humanitarian Organizations During Armed Conflict*, Oct. 3, 2016 ("VI. Impartial humanitarian organizations may offer their services to any of the parties to the conflict. A. States should not arbitrarily withhold their consent to the activities of humanitarian organizations. B. Where a State

11.14.2 Limitation on Requisition of Food and Medical Supplies. The Occupying Power may not requisition foodstuffs, articles, or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account.[262] Subject to the provisions of other international conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.[263]

11.14.3 Verification of the State of Food and Medical Supplies by the Protecting Power. The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.[264]

11.15 Public Health and Hygiene

11.15.1 General Duty With Respect to Public Health. To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, medical and hospital establishments, medical services, and public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics.[265] The responsibility for providing and maintaining health services falls primarily on the national and local authorities, but where such authorities are unable to provide adequately for the health needs of the civilian population, the

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[262] GC art. 55 ("The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account."). *Consider* AP I art. 14 ("Limitations on requisition of civilian medical units – … 2. The Occupying Power shall not, therefore, requisition civilian medical units, their equipment, their materiel or the services of their personnel, so long as these resources are necessary for the provision of adequate medical services for the civilian population and for the continuing medical care of any wounded and sick already under treatment. 3. Provided that the general rule in paragraph 2 continues to be observed, the Occupying Power may requisition the said resources, subject to the following particular conditions: (a) that the resources necessary for the adequate and immediate medical treatment of the wounded and sick members of the armed forces of the Occupying Power or of prisoners of war; (b) that the requisition continues only while such necessity exists; and (c) that immediate arrangements are made to ensure that the medical needs of the civilian population, as well as those of any wounded and sick under treatment who are affected by the requisition, continue to be satisfied.").

[263] GC art. 55 ("Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.").

[264] GC art. 55 ("The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.").

[265] GC art. 56 ("To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics.").

Occupying Power then has the duty described above.[266]

11.15.2 Respect for the Work of Civilian Medical Personnel. Medical personnel of all categories must be allowed to carry out their duties.[267] "Medical personnel of all categories" includes a wide range of persons engaged in medical work.[268] It includes even those who are not affiliated with civilian hospitals who qualify for protection under Article 20 of the GC.[269]

11.15.3 Recognition of New Hospitals, Medical Personnel, and Transports. If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities must, if necessary, grant them the recognition provided for in Article 18 of the GC.[270] This recognition allows the civilian hospitals to show that they are civilian hospitals and that the buildings that they occupy are not used for any purpose that would deprive these hospitals of protection.[271] In similar circumstances, the occupying authorities must also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21 of the GC.[272] This recognition also allows such personnel and vehicles to display their entitlement to protection.[273]

11.15.4 Consideration of Cultural Traditions of the Population in Adopting Public Health Measures. In adopting measures of health and hygiene, and in their implementation, the Occupying Power must take into consideration the moral and ethical susceptibilities of the

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[266] GC COMMENTARY 313-14 ("[T]here can be no question of making the Occupying Power alone responsible for the whole burden of organizing hospitals and health services and taking measures to control epidemics. The task is above all one for the competent services of the occupied country itself. It is possible that in certain cases the national authorities will be perfectly well able to look after the health of the population; in such cases the Occupying Power will not have to intervene; it will merely avoid hampering the work of the organizations responsible for the task. In most cases, however, the invading forces will be occupying a country suffering severely from the effects of war; hospitals and medical services will be disorganized, without the necessary supplies and quite unable to meet the needs of the population. The Occupying Power must then, with the co-operation of the authorities and to the fullest extent of the means available to it, ensure that hospital and medical services can work properly and continue to do so.").

[267] GC art. 56 ("Medical personnel of all categories shall be allowed to carry out their duties.").

[268] GC COMMENTARY 314 ("'Medical personnel of all categories' should be taken to mean all people engaged in a branch of medical work: doctors, surgeons, dentists, pharmacists, midwives, medical orderlies and nurses, stretcher bearers, ambulance drivers, etc., whether such persons are or are not attached to a hospital. On that point the provision differs from Article 20 of the Convention, which refers only to hospital staff, who are alone authorized to wear the armlet bearing the red cross emblem.").

[269] *Refer to* § 7.17.4 (Protection of Civilian Hospital Personnel).

[270] GC art. 56 ("If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.").

[271] *Refer to* § 7.17.2.1 (State-Issued Certificates for Civilian Hospitals).

[272] GC art. 56 ("In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.").

[273] *Refer to* § 7.17.4 (Protection of Civilian Hospital Personnel); § 7.18 (Land and Sea Civilian Hospital Convoys).

Annex 56.

'Found Inside the UNRWA HQ in Gaza City: UAVs, a Hamas Combat Compound and War Room',
The UNRWA-HAMAS Connection (12 July 2024)

The UNRWA-Hamas Connection

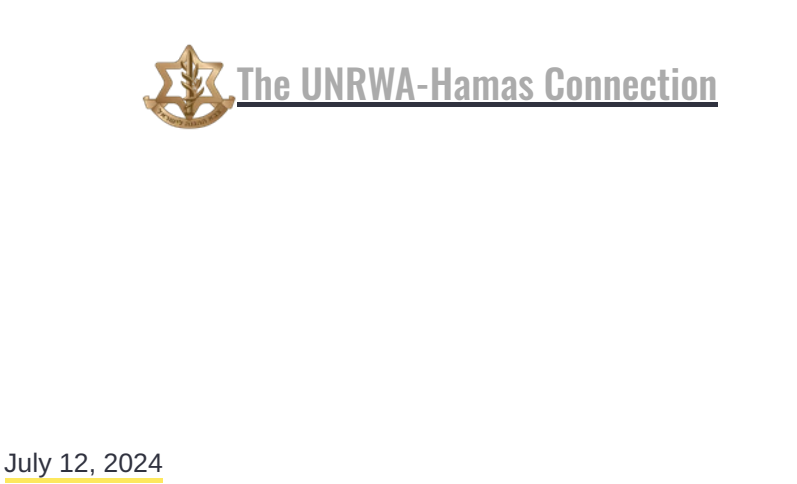
July 12, 2024

Found Inside the UNRWA HQ in Gaza City: UAVs, a Hamas Combat Compound and War Room

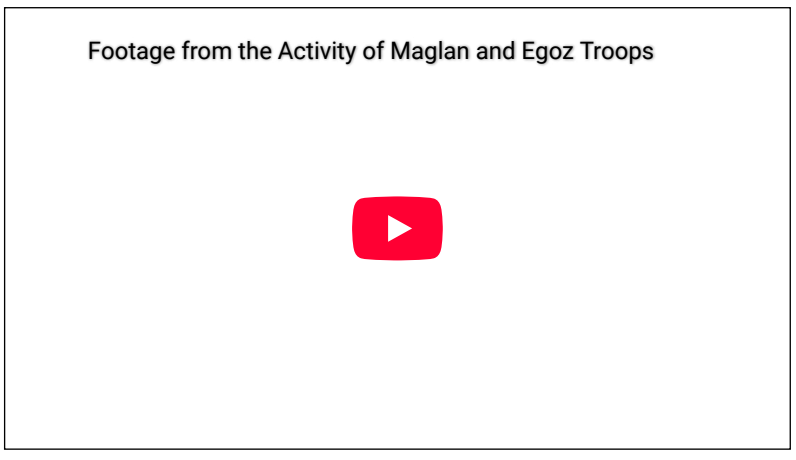
12.07.24

IDF

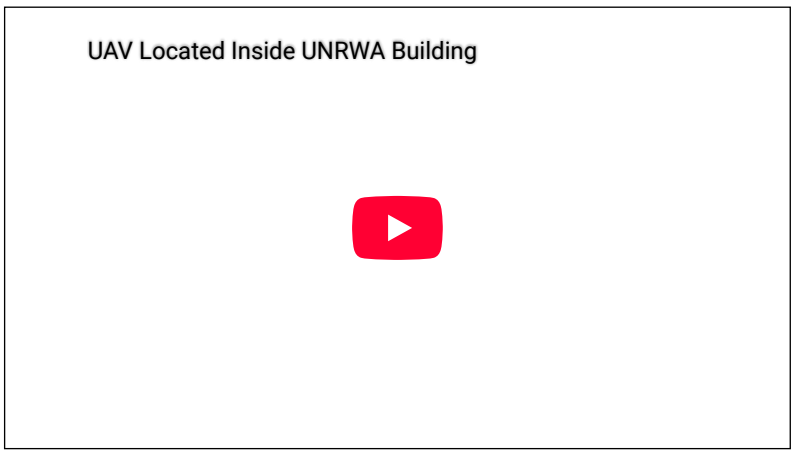
Following intelligence indicating that Hamas and Islamic Jihad terrorists and infrastructure were embedded inside the UNRWA Headquarters in Gaza City, IDF troops began a counterterrorism operation in the area earlier this week. At the start of the operation, the IDF opened a defined corridor to enable civilians to evacuate from the area.



During the operation, the Commando Brigade Combat Team under the command of the 99th Division conducted a targeted operation on a Hamas combat complex embedded inside a compound previously used by UNRWA. With the guidance of the Intelligence Directorate (J2), Maglan and Egoz special forces raided the compound and apprehended terrorists who tried to escape from the area.



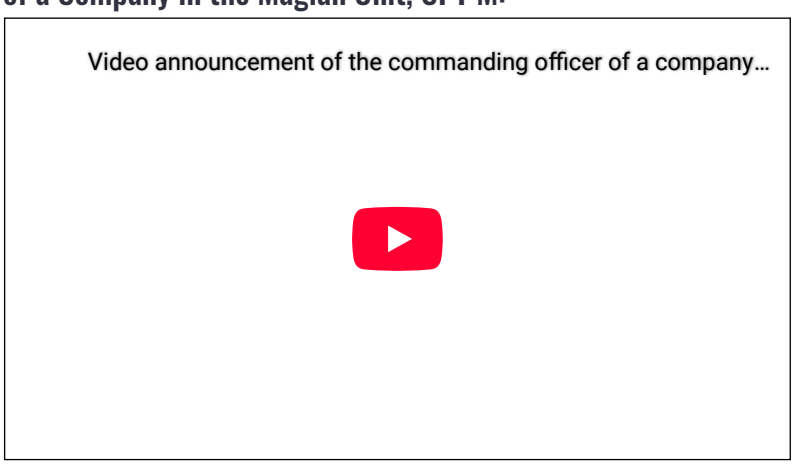
During the activity, the troops engaged in close-quarters combat with terrorist cells that had fortified themselves inside the UNRWA compound and located parts for assembling a UAV, war rooms used for surveillance operations and large quantities of weapons, including tactical drones, rockets, machine guns, mortars, explosives and grenades.



Next to the terrorist compound raided by the troops, the IDF previously exposed and operated against an underground tunnel route and significant asset of Hamas' military intelligence that passed under the building that served as UNRWA's Headquarters in Gaza.

In additional scans carried out by the troops during the current operations in the area, the troops located an underground laboratory for the manufacturing of explosives and weapons inside a university building.

Attached is a Video Announcement of the Commanding Officer of a Company in the Maglan Unit, CPT M:



Attached are Images of Weapons Found:

Attached are Related Images:

Like

Operation: War on Hamas Use of Gazans as Human Shields

Exploitation of Hospitals / Humanitarian Facilities / Mosques Arena: Gaza UNRWA

Annex 57

'IAF Struck Terrorists Operating in the Area of UNRWA School', The UNRWA-HAMAS Connection (14 July 2024)

The UNRWA-Hamas Connection

July 14, 2024

IAF Struck Terrorists Operating in the Area of UNRWA School

14.07.24

IDF

Based on IDF and ISA intelligence, the IAF struck several terrorists who were operating in the area of UNRWA's Abu Oraiban School School building in Nuseirat.

This location served as a hideout and operational infrastructure from which attacks against IDF troops operating in Gaza were directed and carried out.

Prior to the strike, numerous steps were taken in order to mitigate the risk of harming civilians, including the use of precise munitions and additional intelligence.

The Hamas terrorist organization systematically violates international law, exploiting civilian structures and population as human shields for its terrorist attacks against the State of Israel.

Like

UNRWA

Annex 58

Statutes of the International Committee of the Red Cross, adopted in 1986 (amended in 1998 and 2017), [Article 4, excerpt]

STATUTES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

ADOPTED ON 21 DECEMBER 2017 AND CAME INTO FORCE ON 1 JANUARY 2018

Article 3. Headquarters, emblem, logo and motto

1. The headquarters of the ICRC is in Geneva, Switzerland.

2. The ICRC's emblem is a red cross on a white ground, which it is entitled to use at all times, in accordance with the Geneva Conventions and their Additional Protocols.

3. The ICRC's logo is a red cross on a white ground surrounded by two concentric circles, within which are the words "COMITÉ INTERNATIONAL GENÈVE" (International Committee Geneva), sitting on top of the appropriate initials ("ICRC" in English or "CICR" in French).

4. The ICRC's motto is "*Inter arma caritas*." It likewise acknowledges the motto "*Per humanitatem ad pacem*."

Article 4. Role

1. The role of the ICRC shall be in particular:

   (a) to maintain and disseminate the Fundamental Principles of the Movement, namely humanity, impartiality, neutrality, independence, voluntary service, unity and universality;

   (b) to recognize any newly established or reconstituted National Society which fulfils the conditions for recognition set out in the Statutes of the Movement, and to notify other National Societies of such recognition;

   (c) to undertake the tasks incumbent upon it under the Geneva Conventions, to work for the faithful application of international humanitarian law applicable in armed conflicts and to take cognizance of any complaints based on alleged breaches of that law;

   (d) to endeavour at all times – as a neutral institution whose humanitarian work is carried out particularly in time of international and other armed conflicts or internal strife – to ensure the protection of and assistance to military and civilian victims of such events and of their direct results;

   (e) to ensure the operation of the Central Tracing Agency as provided in the Geneva Conventions;

(f) to contribute, in anticipation of armed conflicts, to the training of medical personnel and the preparation of medical equipment, in cooperation with the National Societies, the military and civilian medical services and other competent authorities;

(g) to work for the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflicts and to prepare any development thereof;

(h) to carry out mandates entrusted to it by the International Conference.

2. The ICRC may take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and intermediary, and may consider any question requiring examination by such an institution.

Article 5. Relations with the other components of the Movement

1. The ICRC shall maintain close contact with the National Societies. In agreement with them, it shall cooperate in matters of common concern, such as their preparation for action in times of armed conflict, respect for and development and ratification of the Geneva Conventions, and the dissemination of the Fundamental Principles of the Movement and international humanitarian law.

2. In the situations foreseen in Article 4, paragraph 1(d), which require coordination of assistance provided by National Societies of other countries, the ICRC, in cooperation with the National Society of the country or countries concerned, shall coordinate such assistance in accordance with the agreements concluded with the other components of the Movement.

3. The ICRC shall maintain close contact with the Federation. It shall cooperate with the latter in matters of common concern in accordance with the Statutes of the Movement and the agreements concluded between the two organizations.

Article 6. Relations outside the Movement

The ICRC shall maintain relations with government authorities and any national or international institution whose assistance it considers useful.

Article 7. Members of the ICRC

1. The ICRC shall comprise between 15 and 25 members who shall be co-opted from among Swiss citizens.

2. ICRC members shall carry out their functions on a voluntary basis. The president and vice-president shall constitute exceptions to this rule.

Annex 59

United Nations Security Council, Resolution 1296 (2000) (19 April 2000)
UN Doc. S/RES/1296(2000) *[para 11, excerpt]*

United Nations S/RES/1296 (2000)

Security Council

Distr.: General
19 April 2000

Resolution 1296 (2000)

Adopted by the Security Council at its 4130th meeting, on 19 April 2000

The Security Council,

Recalling its resolution 1265 (1999) of 17 September 1999, the statement of its President of 12 February 1999 (S/PRST/1999/6) and other relevant resolutions and statements of its President,

Having considered the report of the Secretary-General of 8 September 1999 on the Protection of Civilians in Armed Conflict (S/1999/957),

Expressing its appreciation to the informal Working Group established pursuant to resolution 1265 (1999) for its work,

Expressing further its regret that civilians account for the vast majority of casualties in armed conflicts and increasingly are targeted by combatants and armed elements, *reaffirming* its concern at the hardships borne by civilians during armed conflict, in particular as a result of acts of violence directed against them, especially women, children and other vulnerable groups, including refugees and internally displaced persons, and *recognizing* the consequent impact this has on durable peace, reconciliation and development,

Bearing in mind its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, and *underlining* the importance of taking measures aimed at conflict prevention and resolution,

Reaffirming its commitment to the Purposes of the Charter of the United Nations as set out in Article 1 (1-4) of the Charter, and to the Principles of the Charter as set out in Article 2 (1-7) of the Charter, including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States, and to respect for the sovereignty of all States,

Underlining the need for all parties concerned to comply with the provisions of the Charter of the United Nations and with rules and principles of international law, in particular international humanitarian, human rights and refugee law, and to implement fully the relevant decisions of the Security Council,

1. *Emphasizes* the need, when considering ways to provide for the protection of civilians in armed conflict, to proceed on a case-by-case basis, taking into account the particular circumstances, and *affirms* its intention to take into

promotion of "days of immunization" and other opportunities for the safe and unhindered delivery of basic necessary services;

11. *Emphasizes* the importance for humanitarian organizations to uphold the principles of neutrality, impartiality and humanity in their humanitarian activities and recalls, in this regard, the statement of its President of 9 March 2000 (S/PRST/2000/7);

12. *Reiterates* its call to all parties concerned, including non-State parties, to ensure the safety, security and freedom of movement of United Nations and associated personnel, as well as personnel of humanitarian organizations, and *recalls*, in this regard, the statement of its President of 9 February 2000 (S/PRST/2000/4);

13. *Affirms* its intention to ensure, where appropriate and feasible, that peacekeeping missions are given suitable mandates and adequate resources to protect civilians under imminent threat of physical danger, including by strengthening the ability of the United Nations to plan and rapidly deploy peacekeeping personnel, civilian police, civil administrators, and humanitarian personnel, utilizing the stand-by arrangements as appropriate;

14. *Invites* the Secretary-General to bring to its attention situations where refugees and internally displaced persons are vulnerable to the threat of harassment or where their camps are vulnerable to infiltration by armed elements and where such situations may constitute a threat to international peace and security, *expresses*, in this regard, its willingness to consider such situations and, where necessary, adopt appropriate steps to help create a secure environment for civilians endangered by conflicts, including by providing support to States concerned in this regard, and *recalls*, in this regard, its resolution 1208 (1998) of 19 November 1998;

15. *Indicates* its willingness to consider the appropriateness and feasibility of temporary security zones and safe corridors for the protection of civilians and the delivery of assistance in situations characterized by the threat of genocide, crimes against humanity and war crimes against the civilian population;

16. *Affirms* its intention to include in the mandates of United Nations peacekeeping operations, where appropriate and on a case-by-case basis, clear terms for activities related to the disarmament, demobilization and reintegration of ex-combatants, including in particular child soldiers, as well as for the safe and timely disposal of surplus arms and ammunition, *emphasizes* the importance of incorporating such measures in specific peace agreements, where appropriate and with the consent of the parties, *also emphasizes* in this regard the importance of adequate resources being made available, and *recalls* the statement of its President of 23 March 2000 (S/PRST/2000/10);

17. *Reaffirms* its condemnation of all incitements to violence against civilians in situations of armed conflict, *further reaffirms* the need to bring to justice individuals who incite or otherwise cause such violence, and *indicates* its willingness, when authorizing missions, to consider, where appropriate, steps in response to media broadcasts inciting genocide, crimes against humanity and serious violations of international humanitarian law;

18. *Affirms* that, where appropriate, United Nations peacekeeping missions should include a mass-media component that can disseminate information about

Annex 60

United Nations Security Council, Resolution 1674 (2006) (28 April 2006)
UN Doc. S/RES/1674 *[para 21, excerp*

United Nations S/RES/1674 (2006)

Security Council

Distr.: General
28 April 2006

Resolution 1674 (2006)

Adopted by the Security Council at its 5430th meeting, on 28 April 2006

The Security Council,

Reaffirming its resolutions 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflict, its various resolutions on children and armed conflict and on women, peace and security, as well as its resolution 1631 (2005) on cooperation between the United Nations and regional organizations in maintaining international peace and security, and further reaffirming its determination to ensure respect for, and follow-up to, these resolutions,

Reaffirming its commitment to the Purposes of the Charter of the United Nations as set out in Article 1 (1-4) of the Charter, and to the Principles of the Charter as set out in Article 2 (1-7) of the Charter, including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States, and respect for the sovereignty of all States,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and *recognizing* in this regard that development, peace and security and human rights are interlinked and mutually reinforcing,

Expressing its deep regret that civilians account for the vast majority of casualties in situations of armed conflict,

Gravely concerned with the effects of the illicit exploitation and trafficking of natural resources, as well as the illicit trafficking of small arms and light weapons, and the use of such weapons on civilians affected by armed conflict,

Recognizing the important contribution to the protection of civilians in armed conflict by regional organizations, and *acknowledging in this regard*, the steps taken by the African Union,

Recognizing the important role that education can play in supporting efforts to halt and prevent abuses committed against civilians affected by armed conflict, in particular efforts to prevent sexual exploitation, trafficking in humans, and violations of applicable international law regarding the recruitment and re-recruitment of child soldiers,

06-33199 (E)

0633199

(iii) the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, and *expresses its intention* of ensuring that (i) such mandates include clear guidelines as to what missions can and should do to achieve those goals, (ii) the protection of civilians is given priority in decisions about the use of available capacity and resources, including information and intelligence resources, in the implementation of the mandates, and (iii) that protection mandates are implemented;

17. *Reaffirms* that, where appropriate, United Nations peacekeeping and other relevant missions should provide for the dissemination of information about international humanitarian, human rights and refugee law and the application of relevant Security Council resolutions;

18. *Underscores* the importance of disarmament, demobilization and reintegration of ex-combatants (DDR) in the protection of civilians affected by armed conflict, and, in this regard, *emphasizes* (i) its support for the inclusion in mandates of United Nations peacekeeping and other relevant missions, where appropriate and on a case-by-case basis, of specific and effective measures for DDR, (ii) the importance of incorporating such activities into specific peace agreements, where appropriate and in consultation with the parties, and (iii) the importance of adequate resources being made available for the full completion of DDR programmes and activities;

19. *Condemns in the strongest terms* all sexual and other forms of violence committed against civilians in armed conflict, in particular women and children, and *undertakes* to ensure that all peace support operations employ all feasible measures to prevent such violence and to address its impact where it takes place;

20. *Condemns in equally strong terms* all acts of sexual exploitation, abuse and trafficking of women and children by military, police and civilian personnel involved in United Nations operations, *welcomes* the efforts undertaken by United Nations agencies and peacekeeping operations to implement a zero-tolerance policy in this regard, and *requests* the Secretary-General and personnel-contributing countries to continue to take all appropriate action necessary to combat these abuses by such personnel, including through the full implementation without delay of those measures adopted in the relevant General Assembly resolutions based upon the recommendations of the report of the Special Committee on Peacekeeping, A/59/19/Rev.1;

21. *Stresses* the importance for all, within the framework of humanitarian assistance, of upholding and respecting the humanitarian principles of humanity, neutrality, impartiality and independence;

22. *Urges* all those concerned as set forth in international humanitarian law, including the Geneva Conventions and the Hague Regulations, to allow full unimpeded access by humanitarian personnel to civilians in need of assistance in situations of armed conflict, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and United Nations and its associated personnel and their assets;

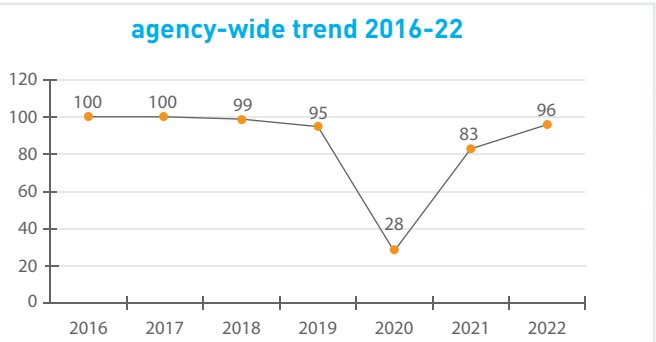
23. *Condemns* all attacks deliberately targeting United Nations and associated personnel involved in humanitarian missions, as well as other humanitarian personnel, *urges* States on whose territory such attacks occur to

Annex 61

UNRWA Communication Division, Annual Operational Report 2022

to progress cases. Nevertheless, DIOS reiterates its commitment to explore appropriate measures to enhance the timely completion of investigations, including: (i) the prioritization of recruitment and on-boarding of vacant investigator positions; (ii) closer monitoring of cases by DIOS through a comprehensive case tracker, analysing reasons for the length of investigations and providing solutions for issues, which have contributed to the length of the process; (iii) the utilization of temporary staff to increase investigative capacity within the Division; and (iv) exploring ways to streamline the investigation process and reporting without impact on the integrity of investigations. In the meantime, DIOS will continue to place the highest priority on the most serious cases, including those concerning potential SEA and fraud.

Indicator	Location	Baseline (Actual 2021)	Target 2022	Actual 2022
Percentage of UNRWA installations receiving four or more integrated assessments annually[172]	WBFO	95	100	84
	SFO	100	100	100
	GFO	52	100	100
	LFO	94	100	100
	JFO	97	100	100
	UNRWA	**83**	**100**	**96**



Source: BERT database
Frequency: Annual

The Agency works to ensure adherence to humanitarian principles, UN values and protection principles in its operations through building the capacity of staff and assessing implementation in its installations and service delivery.

UNRWA implements capacity building measures, including a mandatory online course, in-person training and regular communications with all staff to raise staff awareness of and compliance with the humanitarian principles. During the reporting period, a new mandatory online course covering all humanitarian principles (humanity, neutrality, impartiality and independence) commenced development for expected completion in 2023. In addition, 1,222 staff across the Agency received dedicated in-person training on humanitarian principles and the process for assessing installations against the requirements listed below. Throughout the reporting period, a mural campaign continued to be implemented in 391 UNRWA installations, raising awareness of humanitarian principles through community engagement, while removing images that could have potentially increased the risk to installations, staff and beneficiaries.

In 2022, the Agency changed its assessment modality to monitor all installations on a quarterly basis for adherence to humanitarian principles, including neutrality, in addition to cross-cutting protection concerns, such as child protection, disability inclusion and PSEA. UNRWA assessed an average of 96 per cent of all 977[173] active installations in each quarter. A 100 per cent assessment rate was not attained due to heightened political tensions in the West Bank, including East Jerusalem, in addition to strikes, access restrictions and staff shortages in the WBFO.

Installation assessments identified a total of 1,650 issues relating to humanitarian principles throughout the year, of which 1,468 were resolved by year end. In total, 1,281 of all issues identified (78 per cent) were resolved in the same quarter of identification. The most common issues identified were the absence of an adequate "no weapons" sign and UN signage. The Agency was able to address some of the priority issues that required funding through the provision of a remediation fund, including the replacement of flags and signs, as well as important protection concerns such as providing accessible classrooms and ensuring safe and clean toilets. Other issues required engagement with local communities to resolve. For example, through a mural project, UNRWA was able to work with schools and local communities to identify walls with inappropriate graffiti, political posters or other markings, and refurbish and repaint the walls with pictures developed by UNRWA students. Of the 369 issues that were unresolved in the same quarter of identification, the vast majority were deemed either too politically sensitive to address or could not be resolved immediately due to the lack of funding.

UNRWA continued to review host country curricula and online learning materials against the humanitarian principles and UN values. During the reporting period, alignment on curriculum issues was further strengthened through a workshop pertaining to the application of humanitarian principles in curriculum review, attended by approximately 50 Education Specialists (ESs) from all five fields. Additional information on the review of education materials can be found in Section 2.3 of this report.

Annex 62

Letter from the Ministry of Foreign Affairs of Israel to the Commissioner-General of UNRWA,
27 December 2011

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM

משרד החוץ
ירושלים

Filippo Grandi, Commissioner General

UNRWA

Re: **UNRWA employees involved in terrorist activity**

Upon the request of UNRWA's legal adviser, Ms. Segall, I am sending details of ID numbers for all the personnel discussed in my previous letter.

1. Basel Salme Ibrahim Abu Wadi, resident of Jabalia- **ID 9-2226542-6**
2. Ra'ad Sabhi Masaad Zakzook, resident of Jabalia- **ID 9-1456311-9**
3. Muhhamad Abedallah Ibrahim Shafi, resident of al- Barij- **ID 9-0098635-7**
4. Naji Gazi Husni Abu Aziz **(additional name Saleh instead of Abu Aziz)**, resident of Han Yunes- **ID 9-0130324-8**
5. Muhammad Daud Ismail Gamachi, resident of Gaza, **ID 9-2092717-5**
6. Hasan Salame Abu Gari, redisent of Gaza, **ID 9-2016269-0**
7. Juad Hasan Ali Abu Shmallah, , resident of Han Yunes- **ID 9-0014102-9**
8. Hani Ibrahim Ismail Kaskin, , resident of Shati- **ID 9-0101431-6**
9. Bashir Abed Alrachman Mahammud Abu Shawish, resident of El Nassirat, **ID 9-4765146-9**

As I mentioned in my letter the list sent was a partial one, I would like to add another name to the list and to UNRWA's investigations. The person's details including his ID are here bellow.
Naji Abedallah Salem Abu Aziz, resident of Han Yunes, Hamas military activist, **ID 9-0076013-3**

Again, we strongly urge UNRWA to conduct a swift and serious investigation into the activities of the personnel listed above and to terminate immediately their employment with UNRWA.

Best regards,

Eviatar Manor, Deputy Director General

International Organization Division

Ministry of Foreign Affairs,

Jerusalem

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM

משרד החוץ
ירושלים

Filippo Grandi, Commissioner General
UNRWA

Re: **UNRWA employees involved in terrorist activity**

We have recently received verified information that several UNRWA employees also hold positions in the military arms of Hamas and Palestinian Islamic Jihad, including positions of commanders, combatants, ammunition manufacturers and ammunition storage operatives.
I am certain you would agree with me, that this is a very serious issue and that a situation where UN funds and donor funds are used to finance personnel engaged in terrorist activity, cannot be tolerated.
Hereby is a partial list of the personnel discussed above:

1. Basel Salme Ibrahim Abu Wadi, resident of Jabalia- Hamas military activist.
2. Ra'ad Sabhi Masaad Zakzook, resident of Jabalia- Hamas military activist.
3. Muhhamad Abedallah Ibrahim Shafi, resident of al- Barij- Hamas military activist
4. Naji Gazi Husni Abu Aziz, resident of Han Yunes- Hamas military activist
5. Muhammad Daud Ismail Gamachi, resident of Gaza, senior Hamas member
6. Hasan Salame Abu Gari, redisent of Gaza, senior Hamas activist
7. Juad Hasan Ali Abu Shmallah, , resident of Han Yunes- Hamas military activist
8. Hani Ibrahim Ismail Kaskin, , resident of Shati- Islamic Jihad military activist
9. Bashir Abed Alrachman Mahammud Abu Shawish, resident of El Nassirat, Islamic Jihad military activist.

שד' יצחק רבין 9, ת.ד 3013, ירושלים 91035 טל' 02-5303111
9 Shderot Yitzhak Rabin, P.O.Box 3013, Jerusalem, 91035 Tel: 972-2-5303111

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM

משרד החוץ
ירושלים

We strongly urge UNRWA to conduct a swift and serious investigation into the activities of the personnel listed above and to terminate immediately their employment with UNRWA.
I also wish to meet with you to further discuss this serious issue.

Best regards,

Eviatar Manor, Deputy Director General
International Organization Division
Ministry of Foreign Affairs,
Jerusalem

שד' יצחק רבין 9, ת.ד 3013, ירושלים 91035 טל' 02-5303111
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UNITED NATIONS
RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

NATIONS UNIES
OFFICE DE SECOURS ET DE TRAVAUX POUR LES REFUGIES DE PALESTINE DANS LE PROCHE-ORIENT

Postal Address:
Bayader Wadi Al-Seer
P.O. Box 140 157
Amman 11814
Jordan

وكالة الأمم المتحدة
لإغاثة وتشغيل اللاجئين الفلسطينيين في الشرق الأدنى
UNRWA

Tel: (+962-6) 5808556
(+962-6) 5808555
Fax: (+962-6) 5808179

27 December 2011

Dear Ambassador Manor,

On behalf of the Commissioner-General, who is currently away from the region, I write to acknowledge receipt of your letter of 21 December, and to affirm that we appreciate the gravity of the allegations you brought to our attention.

To initiate our internal process of examining the contents of your letter, we will require the Government of Israel to provide us with information that gives substance to the allegations. This cooperation is indispensable to our ability to take this matter further. We trust we can count on your good offices to obtain the additional information we require.

To discuss this and a range of other issues of mutual concern, the Commissioner-General seeks a meeting with you upon his return to Jerusalem and suggests that you meet on 5 January. The Commissioner-General looks forward to your discussion and to our continued cooperation.

Yours sincerely,

Margot Ellis
Deputy Commissioner-General

H.E. Mr.Aviatar Manor
Deputy Director General
International Organization Division
Ministry of Foreign Affairs
Jerusalem

UNITED NATIONS
RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

NATIONS UNIES
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Yours sincerely,

Margot Ellis
Deputy Commissioner-General

H.E. Mr.Aviatar Manor
Deputy Director General
International Organization Division
Ministry of Foreign Affairs
Jerusalem

Annex 63

Mr. Martin Griffiths, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator - Briefing to the Security Council on the Situation in the Middle East, Including the Palestinian Question, OCHA, 31 January 2024

Mr. Martin Griffiths, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator - Briefing to the Security Council on the Situation in the Middle East, Including the Palestinian Question, 31 January 2024

As prepared for delivery

Mr. President,

Thank you for this opportunity to update the Council today.

Each day that passes only deepens the misery and suffering of people in Gaza.

The number of people killed in Gaza has reportedly now surpassed 26,000, and the number of injured reportedly more than 65,000, according to Gaza's Ministry of Health. The vast majority are women and children.

Just 14 of the 36 hospitals in Gaza are functional, and those only partially. They face severe shortages of medical staff and supplies.

Fierce fighting has continued in the vicinity of the Nasser and Al-Amal hospitals in Khan Younis, jeopardizing the safety of medical staff, the wounded and the sick, as well as the thousands of internally displaced persons seeking refuge there.

This intense fighting around Khan Younis continues to drive thousands of people into Rafah, which is already hosting over half of Gaza's population of 2.2 million people.

Across Gaza, over 60 per cent of housing units are reportedly destroyed or damaged.

We now estimate that some 75 per cent of the total population are displaced. Their living conditions are abominable and worsening by the day.

Heavy rains are flooding the makeshift tent camps, forcing children, parents and the elderly to sleep in the mud.

Food insecurity continues to mount.

And clean water is almost completely inaccessible.

With little public health support available, preventable diseases are rife, and will continue to spread.

Mr. President,

As I mentioned in my briefing to the Council a couple of weeks ago, the further spread of hostilities southwards – along with the increasing deprivation and desperation of people there – can only be expected to increase the pressure for mass displacement into neighbouring countries. Some Palestinians in Gaza have already been able to leave through Egypt.

In the meantime, there are also seriously injured or sick patients unable to receive care in Gaza and for whom medical evacuations should be swiftly facilitated.

This is in line with international humanitarian law, which in certain circumstances encourages arrangements for the evacuation of the wounded and sick, persons with disabilities, older persons, children and pregnant women.

I want to emphasize once again that any persons displaced from Gaza must be guaranteed the right to voluntarily return, as international law demands.

Mr. President,

I know the Council heard yesterday from Under-Secretary-General Kaag, the Senior Humanitarian and Reconstruction Coordinator, regarding her efforts to expedite the delivery of humanitarian assistance to Gaza.

The ability of the humanitarian community to reach the people of Gaza with relief remains grossly inadequate.

This is not for want of trying.

Despite the hazardous conditions on the ground, we are distributing food items to shelters and supporting the remaining bakeries.

We are delivering medicines and medical supplies and helping to relocate patients.

And we are delivering water, hygiene kits and cleaning kits, tents, tarpaulin sheets, and blankets.

But all in quantities that are far from adequate.

If the people of Gaza are to receive anything approaching the amount of humanitarian assistance they need and deserve, urgent steps must be taken.

First, we need to be able to deliver and distribute supplies safely. This means we need significantly improved security assurances.

Second, we need to establish a predictable flow of supplies.

Finally, we need rapid and unimpeded access.

Humanitarian supplies must be able to enter Gaza via multiple points, from Egypt and Israel. This would help clear bottlenecks and speed up delivery of supplies.

We continue to face the frequent rejection for entry of much needed items into Gaza by Israel, for unclear, inconsistent and often unspecified reasons.

We must also have access to civilians in need across Gaza.

At present, our access to Khan Younis, the Middle Area and North Gaza is largely absent.

Jamie McGoldrick, Deputy Special Coordinator/Resident Coordinator/Humanitarian Coordinator ad interim, is leading efforts to scale up operations in critical areas. His efforts depend on security assurances and the facilitation of both entry and movement of personnel and critical supplies.

And we will of course be working closely with Under-Secretary-General Kaag on efforts to expedite the entry of assistance into Gaza.

Mr. President,

The breadth of the humanitarian community – including UN agencies, non-governmental organizations, the Red Cross and the Red Crescent -- is collaborating to ensure that aid reaches people in need to the greatest extent possible.

At the heart of what we have been able to do has been UNRWA.

UNRWA has provided shelter. It has provided food and water. It has provided medical assistance.

All this, even as its own staff are being killed, injured and displaced.

I am appalled that some UNRWA employees were allegedly involved in the attack in Israel on 7 October. These allegations must be addressed.

UNRWA has taken swift action, and an investigation is underway.

But UNRWA's lifesaving services to over three-quarters of Gaza's residents should not be jeopardized by the alleged actions of a few individuals.

Likewise, UNRWA's support for Palestinians in need in the West Bank, where we have significant concerns over the worsening situation, as well as in Lebanon, Jordan, and Syria, must also be safeguarded.

To put it bluntly and simply: Our humanitarian response for the Occupied Palestinian Territory is dependent on UNRWA being adequately funded and operational.

UNRWA is playing an indispensable role in terms of distribution, warehousing, logistics and human resources, with 3,000 staff responding to the current crisis.

Decisions to withhold funds from UNRWA must be revoked.

Mr. President,

In closing, I reiterate my demand for compliance with international humanitarian law, including the protection of civilians and the infrastructure they depend on.

Hospitals, medical personnel and patients must be protected. Food sources, water infrastructure, homes and shelters must be protected.

I reiterate my call for the immediate release of all hostages and their humane treatment.

And I reiterate my call for a ceasefire.

I urge this Council to do everything in its power to bring this tragedy to an end.

Annex 64

Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip
(28 September 1995) [Article IX (5), Excerpt]

ARTICLE IX

Powers and Responsibilities of the Council

1. Subject to the provisions of this Agreement, the Council will, within its jurisdiction, have legislative powers as set out in Article XVIII of this Agreement, as well as executive powers.

2. The executive power of the Palestinian Council shall extend to all matters within its jurisdiction under this Agreement or any future agreement that may be reached between the two Parties during the interim period. It shall include the power to formulate and conduct Palestinian policies and to supervise their implementation, to issue any rule or regulation under powers given in approved legislation and administrative decisions necessary for the realization of Palestinian self-government, the power to employ staff, sue and be sued and conclude contracts, and the power to keep and administer registers and records of the population, and issue certificates, licenses and documents.

3. The Palestinian Council's executive decisions and acts shall be consistent with the provisions of this Agreement.

4. The Palestinian Council may adopt all necessary measures in order to enforce the law and any of its decisions, and bring proceedings before the Palestinian courts and tribunals.

5. a. In accordance with the DOP, the Council will not have powers and responsibilities in the sphere of foreign relations, which sphere includes the establishment abroad of embassies, consulates or other types of foreign missions and posts or permitting their establishment in the West Bank or the Gaza Strip, the appointment of or admission of diplomatic and consular staff, and the exercise of diplomatic functions.

b. Notwithstanding the provisions of this paragraph, the PLO may conduct negotiations and sign agreements with states or international organizations for the benefit of the Council in the following cases only:

(1) economic agreements, as specifically provided in Annex V of this Agreement;

(2) agreements with donor countries for the purpose of implementing arrangements for the provision of assistance to the Council;

(3) agreements for the purpose of implementing the regional development plans detailed in Annex IV of the DOP or in agreements entered into in the framework of the multilateral negotiations, and

(4) cultural, scientific and educational agreements.

c. Dealings between the Council and representatives of foreign states and international organizations, as well as the establishment in the West Bank and the Gaza Strip of representative offices other than those described in subparagraph 5.a above, for the purpose of implementing the agreements referred to in subparagraph 5.b above, shall not be considered foreign relations.

6. Subject to the provisions of this Agreement, the Council shall, within its jurisdiction, have an independent judicial system composed of independent Palestinian courts and tribunals.

Annex 65

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 1125 U.N.T.S. 3 [Article 69, Excerpt]

PROTOCOLS ADDITIONAL

TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949

ICRC

REFERENCE

SECTION II
RELIEF IN FAVOUR OF THE CIVILIAN POPULATION

Article 68 — Field of application

The provisions of this Section apply to the civilian population as defined in this Protocol and are supplementary to Articles 23, 55, 59, 60, 61 and 62 and other relevant provisions of the Fourth Convention.

Article 69 — Basic needs in occupied territories

1. In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.
2. Relief actions for the benefit of the civilian population of occupied territories are governed by Articles 59, 60, 61, 62, 108, 109, 110 and 111 of the Fourth Convention, and by Article 71 of this Protocol, and shall be implemented without delay.

Article 70 — Relief actions

1. If the civilian population of any territory under the control of a Party to the conflict, other than occupied territory, is not adequately provided with the supplies mentioned in Article 69, relief actions which are humanitarian and impartial in character and conducted without any adverse distinction shall be undertaken, subject to the agreement of the Parties concerned in such relief actions. Offers of such relief shall not be regarded as interference in the armed conflict or as unfriendly acts. In the distribution of relief consignments, priority shall be given to those persons, such as children, expectant mothers, maternity cases and nursing mothers, who, under the Fourth Convention or under this Protocol, are to be accorded privileged treatment or special protection.
2. The Parties to the conflict and each High Contracting Party shall allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel provided in accordance with this Section, even if such assistance is destined for the civilian population of the adverse Party.
3. The Parties to the conflict and each High Contracting Party which allow the passage of relief consignments, equipment and personnel in accordance with paragraph 2:

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Annex 67

Two Hundred and Ninth Meeting of the 25th Knesset, 26 Tishrei, 5785, Jerusalem, the Knesset, hour 16:05 (28 October 2024)

דברי הכנסת

א / מושב שלישי / ישיבה ר"ט /

כ"ו–כ"ח בתשרי התשפ"ה / 28–30 באוקטובר 2024 / 1

חוברת א'

ישיבה ר"ט

Knesset Records

A \ third session \ meeting 209 \

26-28 of Tishrei, 5785 \ 28-30 October 2024 \ 1

Booklet A

Meeting 209

הישיבה המאתיים-ותשע של הכנסת העשרים-וחמש

יום שני, כ"ו בתשרי התשפ"ה (28 באוקטובר 2024)

ירושלים, הכנסת, שעה 16:05

Two Hundred and Ninth Meeting of the 25th Knesset

Monday, 26 Tishrei, 5785 (28 October 2024)

Jerusalem, the Knesset, hour 16:05

Excerpt from Page 171 [Remarks by MK Yuli Yoel Edelstein]

אין כוונת המחוקק לשנות בהצעת חוק זו משהו בנושא של מתן סיוע הומניטרי או כל סיוע נדרש אחר לאוכלוסייה האזרחית. אוסיף שלדעתי אדרבה ואדרבה, ארגונים אמיתיים שעוסקים בנושא הזה, ולא ארגונים שחדורים על ידי ארגוני טרור, יוכלו לטפל באוכלוסייה בצורה הרבה יותר טובה ממה שעשה עד היום ארגון אונר"א.

The legislator does not intend through this bill any change as regards the provision of humanitarian aid or any other assistance needed by the civilian population. I will add that in my opinion, on the contrary, genuine organizations operating in this field, as opposed to those infiltrated by terrorist groups, could assist the population far more effectively than UNRWA has done

Annex 68

Information concerning the infiltration of terrorist organizations into UNRWA

Mohammad Marwan Abu Itiwi

Mohammad Marwan Abu Itiwi – UNRWA Driver - Al-Qassam Militant

Mohammad Marwan Abu Itiwi
802439802

Driver and **a Al-Qassam Militant**

UNRWA Staff provided to the Israeli MFA - registered as staff members since July 2022

Fixed Term	10776948	802439802	Mohammad Marwan Abu Itiwi	Driver	Palestine	02/07/2022

Mohammad Marwan Abu Itiwi – UNRWA Driver - Al-Qassam Militant

CEM - Al-Qassam Civil Society Department document from July 2019. The 2-page document lists candidates for an **ambulance driver course,** including Mohammad Itiwi.

CEM - Itwi was documented during the October 7, 2023 attack and participated in the murder and kidnappings on road 232 in the Reim area

Translation of the Al-Qassam Civil Society Department Document:

Number: 2019/0227
19 Dhu Al-Qadah 1440 Islamic Calendar
22 July 2019
Dear Brother, A. Rashed, may god protect him,
Commander of the medical military department

Blessings,

Subject: List of names of the ambulance driver license course

First of all, the Home Front Command, Civil Society Department, sends you its warm greetings, together with pride and steadfastness on the path of Jihad, and prays to God almighty that our letter finds you in good health. With reference to the subject above, the list of candidates for the ambulance driver course has been compiled, and 39 names were nominated from the medical department and 1 from the military intelligence department. Moreover, 2 were approved from the training department based on the orders of the commander of the home front department. Please note that only 40 trainees would be approved, and you are permitted to make an exception for 2 of your own candidates and inform us of that as soon as possible. Please note that interviews and medical examinations will be conducted for all individuals during the coming week. You will be provided with the details immediately after those are agreed with the brothers in the medical military services.

Please accept my highest respect and consideration,

Annexes:

- List of names of participants

Al-Qassam Brigades Civil Society Department

Annex

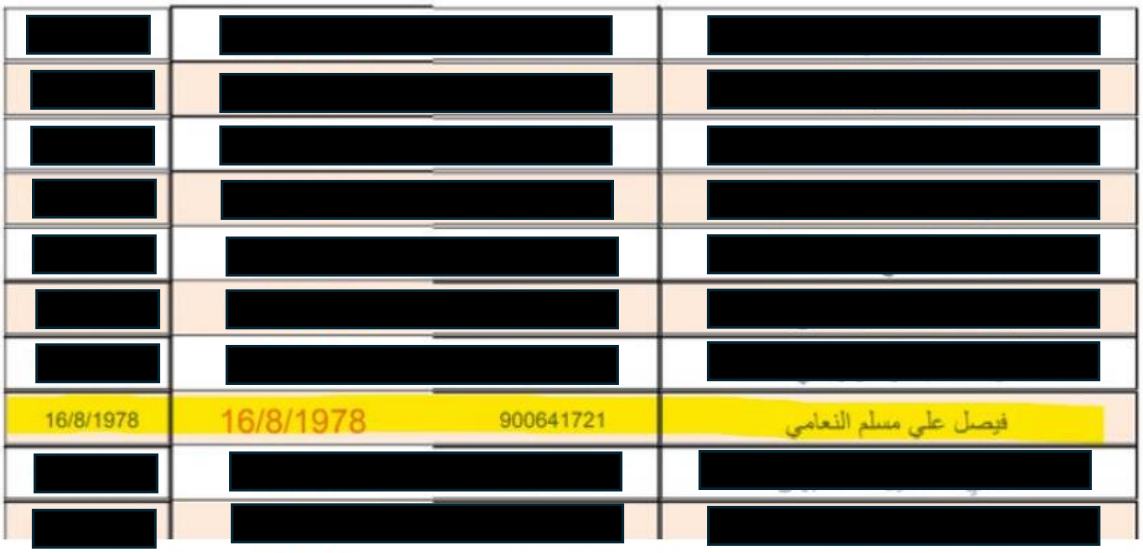
Serial Number	Name	I.D Number	Phone Number	Age	High School	Notes
33	Mohammad Marwan Abu Itiwi	802439802	595010489	30	Yes	

Faisal Ali Mussalem Al-Naami

1. Faisal Ali Mussalem Al-Naami from Nuseirat is an UNRWA Social Worker. He appears on line 187 of an UNRWA staff list provided to Israeli MFA by UNRWA.

	A	B	C	D	E	F	G	H
1	EMP.SUB.GR	EMP. NO.	ID NO.	NAME	POSITION DESCRIPTION	NAT. DESC.	EOD.	SEP. DATE
169	Fixed Term(Teaching)	[redacted]			Teacher	Palestine	[redacted]	
170	Permanent (Teaching)				Teacher	Palestine		
171	Permanent (Teaching)				Teacher Arabic Religion	Palestine		
172	Permanent (Teaching)				Teacher English	Palestine		
173	Fixed Term(Teaching)				Teacher	Palestine		
174	Permanent (Teaching)				Teacher Science	Palestine		
175	Fixed Term(Teaching)				Teacher Mathematics	Palestine		
176	Fixed Term(Teaching)				Teacher Arabic	Palestine		
177	Permanent (Teaching)				Teacher	Palestine		9/30/2023
178	Permanent (Teaching)				Teacher Arabic	Palestine		
179	Fixed Term(Teaching)				Teacher English	Palestine		
180	Fixed Term(Teaching)				Teacher Science	Palestine		
181	Permanent				Schl Qlty Assnc Coord	Palestine		
182	Permanent				School Attendant	Palestine		
183	Fixed Term(Teaching)				Teacher Arabic Religion	Palestine		
184	Permanent (Teaching)				Teacher Social Studies	Palestine		
185	Permanent				School Counsellor	Palestine		
186	Permanent (Teaching)				Teacher	Palestine		
187	Permanent	10212247	900641721	Faisal Ali Naami	Social Worker	Palestine	9/3/2006	
188	Fixed Term	[redacted]			School Attendant	Palestine	[redacted]	
189	Permanent (Teaching)				Teacher	Palestine		

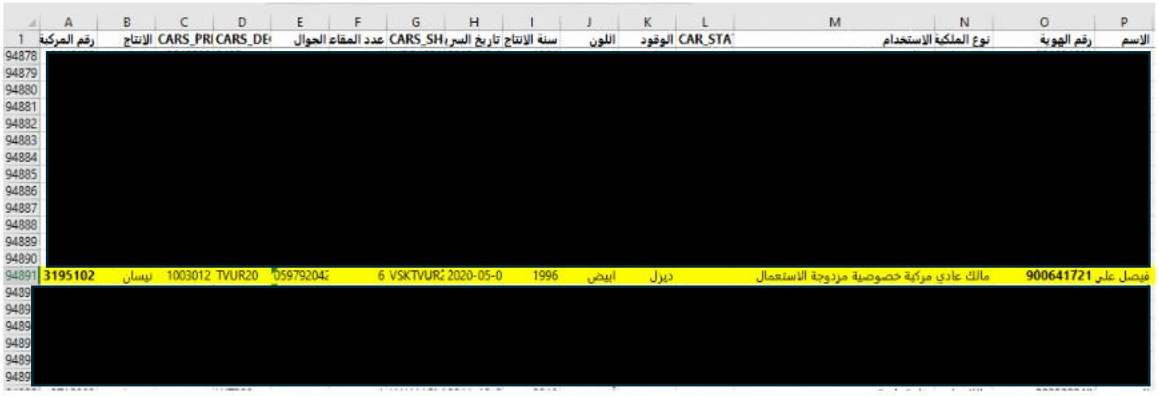
2. Faisal is a Hamas military wing operative serving in the comms and combat support branch of the Nuseirat Battalion. His name and ID were found in a Hamas military document entitled “Personal details of comms branch”.



Faisal Ali Mussalem Al-Naami	900641721	16/8/1978	16/8/1978

3. Faisal took part in the October 7th massacre.
   a. CCTV Footage:
      i. At 9:34 am on October 7th, Faisal appeared in CCTV footage body of an Israeli in this SUV to kidnap it.

ii. Licensing plate database from the year 2020 which lists the license plate of Faisal's car (picture above) and his name.



Name	I.D Number	Type of Ownership	Use	CAR_STA	Fuel Type	Color	Year of manufacture	Date of …	CARS_SH	Number of Seats	Mobile Phone Number	CARS_DE	CARS_PR	Manufacturer	Vehicle Number
Faisal Ali …	900641721	Regular Owners-hip	Private dual-purpose vehicle		Diesel	White	1996	…	....	6	0597920432	TVUR20	1003012	NISSAN	3195102

b. Phone Calls:
   i. The Phone number used by Faisal is 972597920432.
   ii. In a phone conversation at 11:28 am, a Hamas operative tells Faisal that he returned Faisal's truck, guns and equipment and that he transferred people (likely hostages) to other operatives.
   iii. His phone number that was used to make the phone call was found in a customer list along with his full name and ID (line number 3,237).

كشف بالاشتراكات

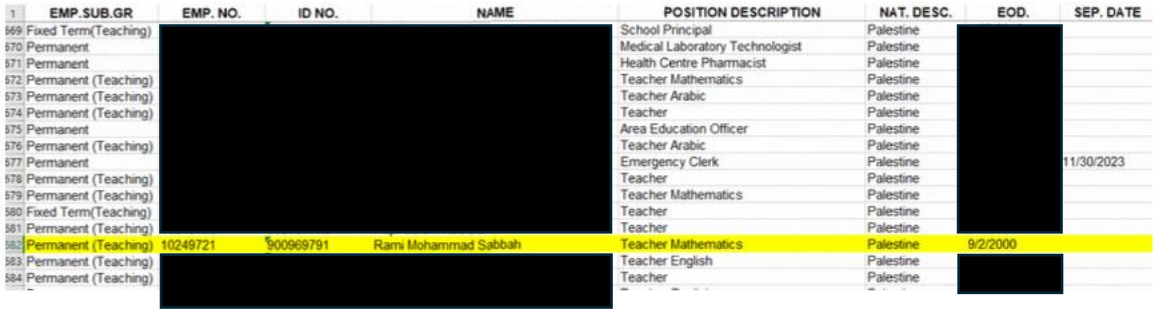
الامبير	التصنيف	نوع الاست	رقم العداد	الجوال	الهوية	النوع	الموقع	المنطقة	العنوا	المنتفع	الاسم	الاشتراك	
40A													3227
40A													3228
40A													3229
40A													3230
40A													3231
40A													3232
40A													3233
40A													3234
40A													3235
40A													3236
40A	موظف وكالة	انارة	8980683	597920421	900641721	10	NS:13/01/	4122	النصيرات/ال	فيصل علي مسلم النعامي	فيصل علي م	40103561	3237
40A													3238
40A													3239
40A													3240
40A													3241
40A													3242
40A													3243
40A													3244
40A													3245

Subscription List

Subscription	Name	Beneficiary	Address	Area	Location	Type	I.D Number	Mobile Phone Number	Usage Meter	Type of …	Category	Ampere
40103561	Faisal Ali …	Faisal Ali Mussalem Al-Naami	Al- Nuseirat/…	4122	NS:13/01/…	10	900641721	597920421	8980683	Active	Agency [UNRWA] Employee	40A

Rami Mohammad Rammadan Sabbah

1. Rami Mohammad Ramadan Sabbah from Deir el Balah is an UNRWA Math Teacher. He appears on line 682 of an UNRWA staff list provided to Israeli MFA by UNRWA.



	EMP.SUB.GR	EMP. NO.	ID NO.	NAME	POSITION DESCRIPTION	NAT. DESC.	EOD.	SEP. DATE
569	Fixed Term(Teaching)	[redacted]			School Principal	Palestine	[redacted]	
570	Permanent				Medical Laboratory Technologist	Palestine		
571	Permanent				Health Centre Pharmacist	Palestine		
572	Permanent (Teaching)				Teacher Mathematics	Palestine		
573	Permanent (Teaching)				Teacher Arabic	Palestine		
574	Permanent (Teaching)				Teacher	Palestine		
575	Permanent				Area Education Officer	Palestine		
576	Permanent (Teaching)				Teacher Arabic	Palestine		
577	Permanent				Emergency Clerk	Palestine		11/30/2023
578	Permanent (Teaching)				Teacher	Palestine		
579	Permanent (Teaching)				Teacher Mathematics	Palestine		
580	Fixed Term(Teaching)				Teacher	Palestine		
581	Permanent (Teaching)				Teacher	Palestine		
582	Permanent (Teaching)	10249721	900969791	Rami Mohammad Sabbah	Teacher Mathematics	Palestine	9/2/2000	
583	Permanent (Teaching)				Teacher English	Palestine		
584	Permanent (Teaching)				Teacher	Palestine	[redacted]	

2. Rami Sabah is a Hamas military wing operative (military ID: 600295, movement rank: Naqib) in the Deir el Balah Battalion. He appears in a document of Hamas movement members in Deir el Balah.

المسجد	المربع	الشعبة		الحالة؟	تاريخ البيعة	الرتبة الحالية	تاريخ الميلاد المدخل	الاسم	الهوية	
يافا	يافا	يافا	بدر	فعال	1/1/1994	رقيب	2/12/1976	رامي محمد رمضان صباح	900969791	2465

mosque	quarter	Branch		Status	Date of Swearing of Allegiance	Current Rank	DOB	Name	ID	
Jaffa	Jaffa	Jaffa	Bader	Active	1/1/1994	Raqib	2/12/1976	Rami Mohammad Ramadan Sabbah	900969791	2465

3. Rami was involved in receiving and holding hostages in the October 7th massacre. Rami is part of a group of Hamas militants from the Deir el Balah battalion that kidnapped an Israeli female hostage. These individuals are also part of the Deir el Balah region emergency committee.
    a. Rami was identified via facial recognition from photos uploaded to social media, photographing the kidnapping of Israeli hostages.

b. Phone Calls:
   i. Phone number used by Rami: 972599600251.
   ii. At 1:01 pm on October 7th, Tamer Abu Miri requests the phone number of Amar Kafeh from Rami.
   iii. At 1:06 pm Tamer is identified to be directly involved in holding a hostage.
   iv. At 1:11 pm, Tamer reports to Rami about holding a hostage via SMS.

Time	Sendr	Recip	content
07/10/2023 13:11:52	972599603041	972599600251	مجندة Translation: "Female Soldier"

   v. At 2:56 pm, Tamer requests the phone number of Abu Hamzah from Rami.
   vi. This document describes the organizational structure of the Deir el Balah region emergency committee, and contains the names and phone numbers of Tamer, Amar, and Rami.

organizational structure of the Deir el Balah region emergency committee

Serial Number	Local Area	Deir Al-Balah		Head of the Committee	---				
				Deputy Head of the Committee	Rami Sabbah		Mobile Phone Number	0599600251	
							Secure Phone Number	33188	
	Name of the Committee	Member Name 1	Mobile Phone Number	Member Name 2	Mobile Phone Number	Member Name 3	Mobile Phone Number	Member Name 4	Mobile Phone Number
4	Data Committee	Tamer Abu Miri	0599603041						
8								Amar Qafa	0594060117

vii. This is a phone list containing Rami's name and phone number.

Phone Numbers

Serial Number	Name	Mobile Phone Number	Notes
13	Rami Mahammad Rammadan Sabbah	0599600251	

Ibrahim Atiya Mohammad Abu Ghafra, UNRWA School Teacher

1. Ibrahim Atiya Mohammad Abu Ghafra from Gaza City is an UNRWA school teacher. He appears on line 2930 of an UNRWA staff list provided to Israeli MFA by UNRWA.

	A	B	C	D	E	F	G	H
1	EMP.SUB.GR	EMP. NO.	ID NO.	NAME	POSITION DESCRIPTION	NAT. DESC.	EOD.	SEP. DATE
2912	Fixed Term(Teaching)	[redacted]			Teacher Science	Palestine	[redacted]	
2913	Permanent (Teaching)				Teacher Arabic	Palestine		
2914	Permanent (Teaching)				Teacher	Palestine		
2915	Permanent (Teaching)				Teacher Science	Palestine		
2916	Permanent (Teaching)				Teacher Mathematics	Palestine		
2917	Fixed Term(Teaching)				Teacher Mathematics	Palestine		
2918	Fixed Term(Teaching)				Teacher	Palestine		
2919	Permanent				Practical Nurse	Palestine		
2920	Permanent (Teaching)				Teacher Science	Palestine		
2921	Permanent (Teaching)				Teacher Social Studies	Palestine		
2922	Permanent (Teaching)				Teacher Mathematics	Palestine		
2923	Permanent (Teaching)				Teacher Mathematics	Palestine		
2924	Permanent				Education Specialist	Palestine		
2925	Permanent				Cleaner	Palestine		
2926	Permanent (Teaching)				Teacher Mathematics	Palestine		
2927	Fixed Term				School Attendant	Palestine		
2928	Permanent (Teaching)				Teacher Arabic	Palestine		
2929	Permanent (Teaching)	[redacted]	[redacted]	[redacted]	Teacher	Palestine	[redacted]	
2930	Fixed Term(Teaching)	10771988	803335371	Ibrahim Atiya Abu Ghafra	Teacher	Palestine	2/1/2017	
2931	Permanent				Education MHPSS Specialist	Palestine		
2932	Fixed Term(Teaching)	[redacted]			Teacher English	Palestine	[redacted]	

2. Ibrahim is a Hamas military wing member (military ID: 314008), serving as a Nukhba operative in the 2nd company in the Nuseirat Battalion.
    a. 2021 military courses contact list:

المجموع النهائي	التقييم السلوكي	التقييم المهاري	التقييم المعرفي	الكتيبة	اللواء	الاسم	الرقم العسكري	نوع الدورة	تسلسل الدورة
76	26	38	12	القدس	الوسطى	ابراهيم عطيه محمد ابوغفره	314008	الدروع	305

	Battalion	Brigade	Name	Military ID	Course Type	Course Number
...	El Quds	Central Camps	Ibrahim Atiya Mohammad Abu Ghafra	314008	Armored Corps	305

b. 2020 military courses contact list:

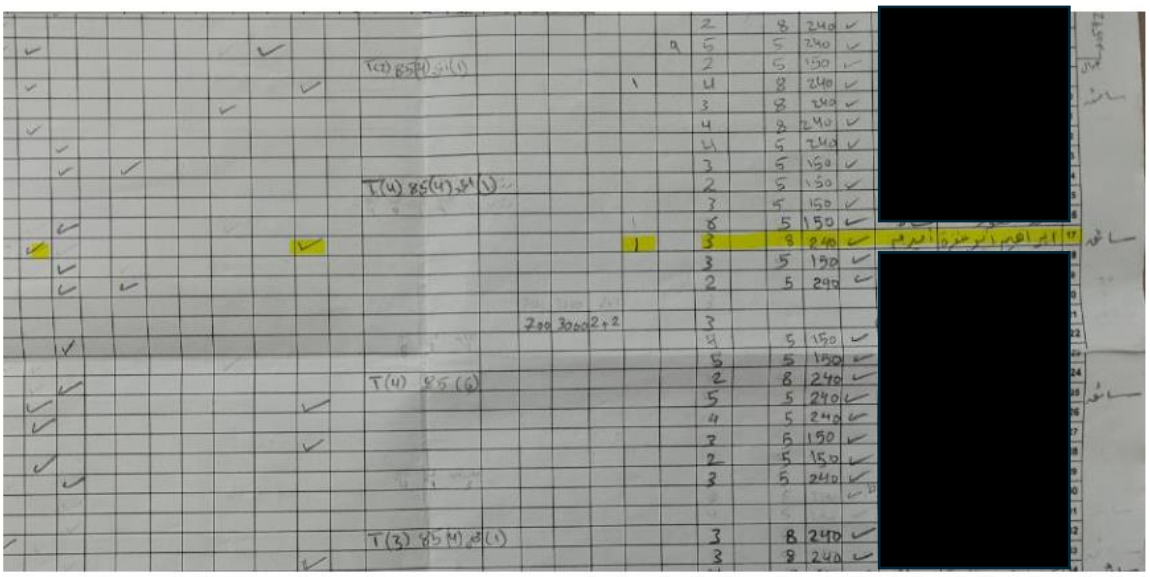
منجز دورات سنة 2020م

م	الرقم العسكري	الاسم رباعي		نوع الدورة	البرنامج	تاريخ التخر	التقيـ	ملاحظات
962	314008	ابراهيم عطيه محمد ابوغفره	القدس	تنشيط	الدروع	12/3/2020	ممتاز	مقاتل فاعل

Serial Number	Military I.D	Full Name	…	Course type	Program	Date of Completion	Evaluation	Notes
962	314008	Ibrahim Atiya Mohammad Abu Ghafra	Jerusalem (Al Quds)	Activation	Armor	12/3/2020	Excellent	Active Fighter

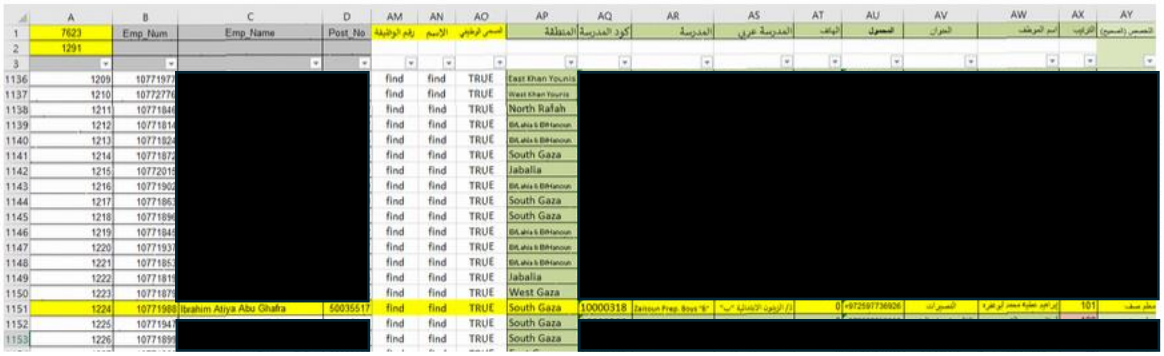
3. He was involved in the October 7th massacre in Reim.
    a. Phone Calls and cellphone triangulation:
        i. The phone number used by Ibrahim is 972597736926.
        ii. At 6:36 am and 7:25 am, Ibrahim speaks with other Hamas operatives about preparing and making their way to the border of Israel
        iii. At 8:15 a.m., Ibrahim's cellphone was located via triangulation inside Israeli territory outside of Kibbutz Reim.
        iv. At 8:44 am, Ibrahim and another operative mentioned being across the border, and Ibrahim declared that "they have killed people!"
        v. At 9:55 am, Inrahim's cellphone was still located via triangulation inside Israeli territory.

4. A list containing militants, weapons, ammunition, and rank that was found in a Hamas vehicle near the location of Ibrahim's cellphone near Kibbutz Reim. Ibrahim Abu Ghafra is number 17.



PTT	...	Number of bombs				weapons			profession	name	num
		Smoke grenades	Light bombs	Qassem	Official	magazines	bullets	rifles			
V		1		3		8	240	V	M Commander	Ibrahim Atiya Mohammad Abu Ghafara	17

5. His phone number was found along with his full name, school position and UNRWA employee number in a contact list document:

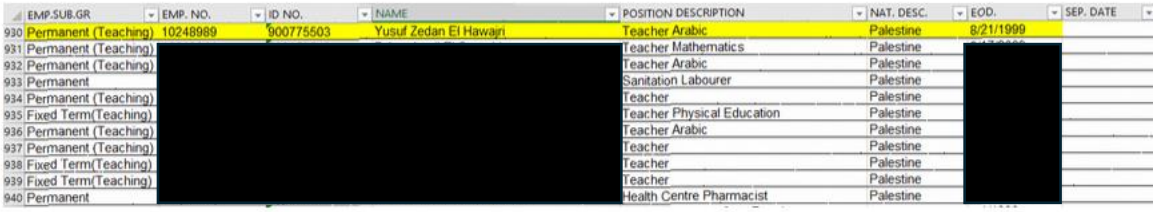


A	B	C	D	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY
7623	Emp_Num	Emp_Name	Post_No	رقم الوظيفة	الإسم	المسمى الوظيفي	المنطقة	كود المدرسة	المدرسة	المدرسة عربي	الهاتف	المؤهل	الجوال	اسم الموظف	الترتيب	التخصص (المسمى)
1291																
1209	10771977	[redacted]		find	find	TRUE	East Khan Younis									
1210	10772770			find	find	TRUE	West Khan Younis									
1211	10771848			find	find	TRUE	North Rafah									
1212	10771814			find	find	TRUE	BiLahia & BiHanoun									
1213	10771824			find	find	TRUE	BiLahia & BiHanoun									
1214	10771872			find	find	TRUE	South Gaza									
1215	10772015			find	find	TRUE	Jaballia									
1216	10771902			find	find	TRUE	BiLahia & BiHanoun									
1217	10771863			find	find	TRUE	South Gaza									
1218	10771896			find	find	TRUE	South Gaza									
1219	10771845			find	find	TRUE	BiLahia & BiHanoun									
1220	10771933			find	find	TRUE	BiLahia & BiHanoun									
1221	10771853			find	find	TRUE	BiLahia & BiHanoun									
1222	10771811			find	find	TRUE	Jaballia									
1223	10771879			find	find	TRUE	West Gaza									
1224	10771988	Ibrahim Atiya Abu Ghafra	50035517	find	find	TRUE	South Gaza	10000318	Zaitoun Prep. Boys "B"	الزيتون الابتدائية "ب" /	0	+972597736926	المنصورات	إبراهيم عطية محمد أبو غفرة	101	معلم صف
1225	10771943	[redacted]		find	find	TRUE	South Gaza									
1226	10771899			find	find	TRUE	South Gaza									

Specialization (correct)	Ranking	Employee Name	Address	Mobile Phone	Phone	School (Arabic)	School	School Code	Area	Job Title	Name	Job Number	Post_No	Emp_Name	EMP_Num	
Class Teacher	101	Ibraim Atiya Mohammad Abu Ghafra	Al-Nuseirat	+972597736926	0	Zaitoun Prep. Boys "B"	Zaitoun Prep. Boys "B"	10000318	South Gaza	TRUE	find	find	50035517	Ibraim Atiya Mohammad Abu Ghafra	10771988	1244

Yusuf Zedan El Hawajri

1. Yusuf Zedan El Hawajri is an Arabic teacher in UNRWA. He appears on line 930 of an UNRWA staff list provided to Israeli MFA by UNRWA.



	EMP.SUB.GR	EMP. NO.	ID NO.	NAME	POSITION DESCRIPTION	NAT. DESC.	EOD.	SEP. DATE
930	Permanent (Teaching)	10248989	900775503	Yusuf Zedan El Hawajri	Teacher Arabic	Palestine	8/21/1999	
931	Permanent (Teaching)	[redacted]			Teacher Mathematics	Palestine	[redacted]	
932	Permanent (Teaching)				Teacher Arabic	Palestine		
933	Permanent				Sanitation Labourer	Palestine		
934	Permanent (Teaching)				Teacher	Palestine		
935	Fixed Term(Teaching)				Teacher Physical Education	Palestine		
936	Permanent (Teaching)				Teacher Arabic	Palestine		
937	Permanent (Teaching)				Teacher	Palestine		
938	Fixed Term(Teaching)				Teacher	Palestine		
939	Fixed Term(Teaching)				Teacher	Palestine		
940	Permanent				Health Centre Pharmacist	Palestine		

2. Yusuf is a Hamas Military Wing operative (military ID: 498737) in the Deir el Balah Battalion of the Central Camps Brigade. Below is a Hamas contact list including El Hawajro's full name and phone number.

حركة المقاومة الإسلامية - حماس
المنظومة الإلكترونية

أرقام جوال الإخوة

م	الاسم	رقم الجوال
160	[redacted]	5927090
161		9334042
162		9602145
163		0592117511
164		2760815
165		599684955
166		0598891985
167		0592215086
168		0599858462
169		0598838336
170		9155835
171		8210321
172		9411742
173		0592170369
174		9344016
175	يوسف زيدان سليمان الحواجري	599188685

Islamic Resistance Movement – Hamas

Electronic System

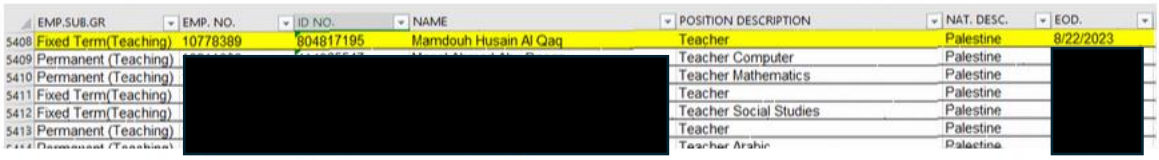
Phone Numbers of the Brothers

Serial Number	Name	Mobile Phone Number
175	Yusuf Zedan El Hawajri	599188685

3. He participated in the October 7th massacare.
    a. Phone number:
        i. The phone number used by Yusuf is 972599188685.
        ii. At 1:15 pm on October 7th, Yusuf discusses with Person B on the phone how they both stole many things while they were in Israel, and Person B mentions that he has a few young girls with him at his house and he personally kidnapped one of them. Yusuf quickly shushes Person B.
        iii. His phone number and name can be found on the Hamas contact list above. He also identifies as “Abu Mohammad”, which is indeed his son’s name.

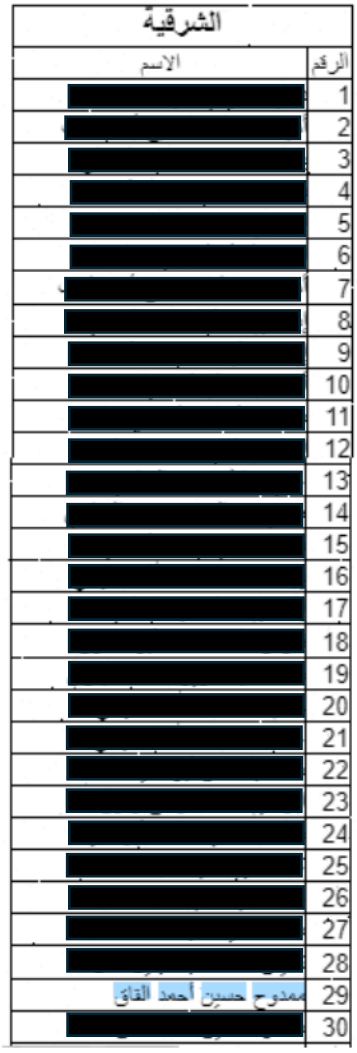
Mamdouh Husain Ahmad Al Qaq

1. Mamdouh is a teacher in UNRWA. He appears on line 5408 of an UNRWA 2023 staff list provided to Israeli MFA by UNRWA



	EMP.SUB.GR	EMP. NO.	ID NO.	NAME	POSITION DESCRIPTION	NAT. DESC.	EOD.
5408	Fixed Term(Teaching)	10778389	804817195	Mamdouh Husain Al Qaq	Teacher	Palestine	8/22/2023
5409	Permanent (Teaching)	[redacted]			Teacher Computer	Palestine	[redacted]
5410	Permanent (Teaching)				Teacher Mathematics	Palestine	
5411	Fixed Term(Teaching)				Teacher	Palestine	
5412	Fixed Term(Teaching)				Teacher Social Studies	Palestine	
5413	Permanent (Teaching)				Teacher	Palestine	

2. Mamdouh is an operative in the Rafah Brigade of Palestinian Islamic Jihad (hereinafter: PIJ), military ID: 14850.
    a. Mamdouh is found on a list of the Eastern Battalion members of the PIJ, which was collected from a PIJ education committee computer. He is number 29. This computer was found in the house of a PIJ Lieutenant Colonel.



الشرقية	
الرقم	الاسم
1	[redacted]
2	[redacted]
3	[redacted]
4	[redacted]
5	[redacted]
6	[redacted]
7	[redacted]
8	[redacted]
9	[redacted]
10	[redacted]
11	[redacted]
12	[redacted]
13	[redacted]
14	[redacted]
15	[redacted]
16	[redacted]
17	[redacted]
18	[redacted]
19	[redacted]
20	[redacted]
21	[redacted]
22	[redacted]
23	[redacted]
24	[redacted]
25	[redacted]
26	[redacted]
27	[redacted]
28	[redacted]
29	ممدوح حسين أحمد القاق
30	[redacted]

Eastern [Battalion]	
Number	Name
29	Mamdouh Husain Ahmad Al Qaq

4. He participated in the October 7th massacre.
    a. Phone calls and cellphone triangulation:
        i. At 9:38 am, Mamdouh speaks to his mother on the phone and tells her that he is in Israel
        ii. At 9:41 am and 9:43 am, Mamdouh was located inside Israel via triangulation.
        iii. At 10:29 am, Mamdouh again tells his mother that he is in Israel.
        iv. At 10:31 am, Mamdouh tells someone else that he is in Israel. When asked when he plans to return to Gaza, he replies "when I die".
    b. His phone number that was used to make the phone calls was in a list along with his full name and ID.

804817195	Mamdouh Husain Ahmad Al Qaq	0597631630

Hafez Mousa Mohammed Mousa, UNRWA School Principle

1. Hafez Mousa is a School Principal. He is listed in line 2755 of an UNRWA 2023 staff list provided to Israeli MFA by UNRWA.

	EMP.SUB.GR	EMP. NO.	ID NO.	NAME	POSITION DESCRIPTION	NAT. DESC.	EOD.
2755	Permanent (Teaching)	10211872	909125957	Hafez Mousa Mousa	School Principal	Palestine	12/15/2005
2756	Permanent (Teaching)	[redacted]					
2757	Permanent (Teaching)						
2758	Permanent (Teaching)						
2759	Fixed Term						
2760	Fixed Term						
2761	Fixed Term						
2762	Permanent (Teaching)						
2763	Permanent (Teaching)						
2764	Permanent (Teaching)						
2765	Permanent (Teaching)						
2766	Permanent (Teaching)						
2767	Fixed Term(Teaching)						
2768	Permanent (Teaching)						

2. Hafez Mousa Mousa is a Hamas military wing operative in the East Jabaliya Battalion, as well as a member of the Hamas movement with the rank of Raqib, as can be seen in Hamas's contact list document listing movement members.

Rank	Sub-specialty	Specialty	Training	Branch	Sub-area	Area	Name	ID	#
Raqib		computers	MA in engineering	Sheikh Ziad	Wasit al Muaskar	North	Hafez Mousa Mohammed Mousa	909125957	521

الرتبة	م المؤهل	التخصص	المؤهل	الشعبة	المحلية	الكبرى	الاسم	الهوية	#
رقيب		حاسوب	ماجستير	الشيخ زايد	وسط المعسكر	الشمال	حافظ موسى محمد موسى	909125957	521

3. He was also involved in the October 7th massacre.
    a. The phone number used by Mousa is 972597502700.
    b. On the morning of October 7th, Hafez used the same cellphone to perform his duties both as an UNRWA school principal and a Hamas militant. He made 5 phone calls and sent messages to more than 20 fellow operatives, ordering them to infiltrate Israel via the Erez crossing with cars and weapons.
    c. Text Messages:
        i. At 8:13 am, he informed his UNRWA area supervisor (Fatma Ibrahim Aita Area, Education Officer) that the school was closed and the students were safe.
        ii. From 9:03 am, he used the same phone number to send text messages to Hamas operatives, mostly from his battalion, ordering them to immediately go to the Erez crossing with their vehicles and weapons.

عاجل جدا__التعميم على الجميع_التوجه الآن إلى معبر إيرز بما يملك من	7/10/2023 9:03
سيارات وسلاح...	7/10/2023 9:03

7/10/2023 9:03	Very Urgent, announcement to all, head right now to Erez Crossing with your
7/10/2023 9:03	Vehicles and Weapons

iii. Throughout the day until 10:24 pm, he used the same device to manage UNRWA shelters.

d. In several conversations at 9:08 am, two around 9:22 am, 9:23 am, and 12:19 pm on October 7th, Hafez organized and ordered a number of fellow Hamas operatives to infiltrate Israel via the Erez border crossing.

e. His details and phone number appear in a phone list that was found in Gaza, mentioning his ID, phone number and School name.

[redacted]		5	[redacted]		1815
		5			1816
		7			1817
		6			1818
قليبو	597502700	8	909125957	حافظ موسى محمد موسى	1819
[redacted]		6	[redacted]		1820
		7			1821

1819	Hafez Mousa Mohammed Mousa	909125957	8	597502700	Kalibu

Defence Plan of Al-Fatah and Ak-Daraj in Al-Qassam – Especially Aerial Defence

4- النقطة البديلة مدرسة اسعد الصفطاوي طاقم العمل في هذه النقطة.
- قراصي العريس .
- المساعد الزهري.
- المصور إياد.
5- النقطة الثالثة بيت خالي من السكان بالقرب من موقف جباليا ثم تخزين السلاح عند أحد أفراد التخصص قريب من السكان طاقم العمل
- قراصي أبو كمال .
- المساعد أبو عمر .
- المصور غسان .
6- النقطة البديلة مدرسة بيت خالي من السكان خلف مسجد السلف طاقم العمل في هذه النقطة:
- قراصي أبو أحمد .
- المساعد نضال.
- المصور أبو العريس .
7- النقطة الرابعة مدرسة فهمي الجرجاوي سهلة الوصول ثم تخزين السلاح عن أحد أفراد التخصص طاقم العمل :-
- قراصي هاني .
- المساعد أبو أحمد .
- المصور أبو عمر .

4 – Alternative point, Assad Al-Saftawi school. Operational team at this location:

- Shooter - Al-Qaris
- Assistant – Al-Zuhri
- Photographer – Iyad

5 – The third point is an empty residence near the Jabalia position. The weapons was stored by one of the specialists near this place. Operational team at this location:

- Shooter – Abu Kamal
- Assistance – Abu Omar
- Photographer - Ghassan

6 – The alternative point is an uninhabited school behind Al-Salaf Mosque. Operational team at this location:

- Shooter – Abu Ahmed
- Assistance - Nidal
- Photographer – Abu Al-Arris

7 – The fourth point is Fahmy Al-Jarjawi School, which is easy to access. The weapon was stored by one of the specialists. Operational team at this location:

- Shooter – Hani
- Assistant – Abu Ahmed
- Photographer – Abu Omar

Three Anti-Tank positions and a Tunnel Shaft in Khuzaa Prep Boys School

Hamas's Manual on Foundations of Military Engineering, Phase III

أولاً: الأراضي ذات المنشآت:

1- المنشآت المدنية:

وهي جميع المنشآت المدنية التي يمكن أن يلجأ إليها المقاتلين مثل: البيوت، المدارس، الجامعات، المستشفيات، الجسور، شركات الكهرباء، المجالس التشريعية، المساجد، الأسواق،....الخ. وفي حالة قطاع غزة ومن ينتهجون نهج حرب العصابات، تعتبر المنشآت المدنية من أفضل الموانع لحماية المقاومة. فلو كانت المقاومة معزولة عن شعبها لتم إبادتها بكل سهولة من قبل العدو الصهيوني.

I. Areas with facilities

1. Civilian Facilities

These are all civilian facilities which fighters can resort to, such as: Houses, Schools, Universities, Hospitals, Bridges, Electricity Companies, Legislative Councils, Mosques, Markets, etc. In the case of the Gaza Strip and those who follow the guerrilla warfare approach, civilian facilities are considered as some of the best locations to protect the resistance. If the resistance would be isolated from its people, it would be easily destroyed by the Zionist enemy.

Annex 69

‘Terrorists who Operated from UNRWA Schools in the Area of Gaza City Struck by the IAF,’ The UNRWA-HAMAS Connection (4 July 2024)

The UNRWA-Hamas Connection

July 4, 2024

Terrorists who Operated from UNRWA Schools in the Area of Gaza City Struck by the IAF

04.07.24 0

IDF

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Earlier today, the IAF struck terrorists who operated from UNRWA schools in the area of Gaza City- the "Alqahirah" School in Al-Furqan, and the "Musa" School in Daraj Tuffah.

The schools were used as hideouts for terrorists and as an active operational infrastructure of the Hamas terrorist organization, from which its operatives planned, directed, and carried out numerous]attacks against IDF troops operating in Gaza.

Prior to the strike, a number of steps were taken to mitigate harm to uninvolved civilians, including conducting aerial surveillance, using precise munition, and additional intelligence measures.

The Hamas terrorist organization systematically violated international law, exploiting civilian structures and populations as human shields for its terrorist attacks against the State of Israel.

Like

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Operation: War on Hamas **UNRWA**

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Annex 70

‘UNRWA School with Hamas Terrorists Struck by IAF,’ The UNRWA-HAMAS Connection (6 July 2024)

The UNRWA-Hamas Connection

July 6, 2024

UNRWA School With Hamas Terrorists Struck by IAF

06.07.24

IDF

Earlier today, based on IDF and ISA intelligence, the IAF struck several terrorists operating in structures located in the area of UNRWA's Al-Jaouni School in central Gaza. This location served as a hideout and operational infrastructure from which attacks against IDF troops operating in Gaza were directed and carried out.

Prior to the strike, numerous steps were taken in order to mitigate the risk of harming civilians, including the use of precise aerial surveillance and additional intelligence.

The Hamas terrorist organization systematically violates international law, exploiting civilian structures and the civilian population as human shields for its terror attacks against the State of Israel.

Like

Exploitation of Schools / Kindergartens / Homes UNRWA

Annex 71

United Nations Security Council, Resolution 1373 (2001) (28 September 2001)
UN Doc. S/RES/1373

United Nations S/RES/1373 (2001)

Security Council

Distr.: General

28 September 2001

Resolution 1373 (2001)

Adopted by the Security Council at its 4385th meeting, on 28 September 2001

The Security Council,

Reaffirming its resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001,

Reaffirming also its unequivocal condemnation of the terrorist attacks which took place in New York, Washington, D.C. and Pennsylvania on 11 September 2001, and expressing its determination to prevent all such acts,

Reaffirming further that such acts, like any act of international terrorism, constitute a threat to international peace and security,

Reaffirming the inherent right of individual or collective self-defence as recognized by the Charter of the United Nations as reiterated in resolution 1368 (2001),

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Deeply concerned by the increase, in various regions of the world, of acts of terrorism motivated by intolerance or extremism,

Calling on States to work together urgently to prevent and suppress terrorist acts, including through increased cooperation and full implementation of the relevant international conventions relating to terrorism,

Recognizing the need for States to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing and preparation of any acts of terrorism,

Reaffirming the principle established by the General Assembly in its declaration of October 1970 (resolution 2625 (XXV)) and reiterated by the Security Council in its resolution 1189 (1998) of 13 August 1998, namely that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts,

Acting under Chapter VII of the Charter of the United Nations,

01-55743 (E)

1. *Decides* that all States shall:

(a) Prevent and suppress the financing of terrorist acts;

(b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;

(c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;

(d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

2. *Decides also* that all States shall:

(a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;

(b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;

(c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;

(d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;

(e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;

(f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;

(g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

3. *Calls* upon all States to:

(a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;

(b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;

(d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;

(e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);

(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;

(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

4. *Notes* with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard *emphasizes* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security;

5. *Declares* that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations and that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;

6. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to monitor implementation of this resolution, with the assistance of appropriate expertise, and *calls upon* all States to report to the Committee, no later than 90 days from the date of adoption of this resolution and thereafter according to a timetable to be proposed by the Committee, on the steps they have taken to implement this resolution;

7. *Directs* the Committee to delineate its tasks, submit a work programme within 30 days of the adoption of this resolution, and to consider the support it requires, in consultation with the Secretary-General;

8. *Expresses* its determination to take all necessary steps in order to ensure the full implementation of this resolution, in accordance with its responsibilities under the Charter;

9. *Decides* to remain seized of this matter.

Annex 72

‘Italian Foreign Minister Antonio Tajani: ‘We don’t want to work with UNRWA and we condemn the use of UNRWA offices as a prison for Israeli hostages,’ European Jewish Congress
(7 February 2025)

ITALY

Italian Foreign Minister Antonio Tajani: ‘We don’t want to work with UNRWA and we condemn the use of UNRWA offices as a prison for Israeli hostages”

February 7, 2025

Meeting with Israeli Foreign Minister Gideon Sa’ar in Ashdod Port, Italy’s Foreign Minister Antonio Tajani says his country will not work with UNRWA, the United Nations agency for Palestinian refugees.

“We don’t want to work with UNRWA and we condemn the use of UNRWA offices as a prison for Israeli hostages,” says Tajani.

The mother of freed hostage Emily Damari said that her daughter had been held at UNRWA facilities in Gaza.

Sa’ar says at the joint press conference that the UN Human Rights Council “acted in the most outrageous way possible.”

“They were biased, they were obsessive, you can say they were antisemites because they used double standards with regards to our state.”

Sa’ar announced this week that would no longer participate in the UNHRC, following the US’s withdrawal.