



UNRWA AT 75: NAVIGATING SURVIVAL UNDER ISRAEL'S NEW RESTRICTIVE LAW

On October 28, 2024, Israel enacted two new laws that significantly restrict UNRWA's ability to operate within the occupied Palestinian territories. European Union foreign policy chief underscored the gravity of the situation, noting that these measures would »effectively render UNRWA's vital operations in Gaza impossible.«

The importance of UNRWA

The United Nations Relief and Work Agency for Palestine Refugees in the Near East (UNRWA) is one of the longest-running UN agencies still in operation, founded in 1949 specifically to support Palestinian refugees. This longstanding mission highlights the enduring challenges faced by the Palestinian people. UNRWA is the largest direct provider of essential services to Palestinian refugees across the Near East, spanning Gaza, the West Bank, Lebanon, Syria, and Jordan.

The agency operates one of the largest school networks in the Middle East, providing free education to over half a million students. Many of its facilities, including schools, double as shelters for displaced persons during times of conflict. In healthcare, UNRWA manages over 140 clinics, offering primary care, maternal health, and mental health support, often in regions where these services would otherwise be inaccessible.

UNRWA's funding is almost entirely dependent

on voluntary contributions from UN member states, leaving it vulnerable to the shifts of international politics. In 2022, its largest contributors were the United States, Germany, and the European Union. However, at the end of last year, major funding cuts occurred when Israel accused some of UNRWA's staff of involvement in the October 7 Hamas attack, prompting the United States, Canada, Australia, Britain, Germany, Japan, and 11 other countries to suspend their financial support.

Understanding Israel's Legislative Restrictions on UNRWA

The new laws prohibit the UNRWA agency from continuing its operations and mandate a complete cessation of ties between the agency and the Israeli government. In 90 days from the laws' passage on October 28, UNRWA will no longer be able to deliver aid in Gaza or provide essential educational and healthcare services in refugee camps. The severing of diplomatic relations would preclude Israel from issuing entry and



work permits to foreign UNRWA staff and prevent coordination with the Israeli military to permit aid shipments.

Boaz Bismuth, a member of Netanyahu's Likud party and the primary sponsor of the legislation, assured that there would be no service gaps, with the government intending to assume responsibilities previously managed by UNRWA. Plans to employ private security companies for certain roles are reportedly under review. But the bills do not include provisions for alternative organisations to oversee its work and that is why many global leaders have voiced doubts about these assurances, given past public statements from Israeli officials expressing intentions that have raised concerns about the well-being of Palestinian communities. Israeli forces have continued to shut vital border crossings, including the Rafah crossing, banning the entry of humanitarian aid including food, medicine, and much-needed fuel from entering the bombarded territory since the end of 2023 so why would they all of a sudden offer all of it to Palestinian people at their own expenses? Foreign Ministry Director-General Blitshtein also assured the UN General Assembly President in a letter that Israel will continue to work with international partners, including other United Nations agencies, to ensure the facilitation of humanitarian aid to civilians in Gaza.

Another troubling aspect of these newly passed

laws is Israel's designation of UNRWA as a terrorist organization, marking an escalation in its longstanding opposition to this specific UN agency. Israel has repeatedly alleged, though without substantive evidence, that over 10% of UNRWA's 13.000 staff have connections to armed groups. Prime Minister Netanyahu has maintained that these measures are necessary to ensure accountability for any involvement in activities against Israel. But who is being held accountable for the death of 43.000 Palestinian civilians?

It is also important to remember that this is not the only controversial law Israel passed in the recent times. In early November 2024, the Israeli Knesset enacted a temporary five-year law permitting the detention of Palestinian minors under the age of 14. This law allows courts to place children under 14 in closed facilities if they are convicted of murder associated with "terrorism or terrorist activities." Currently, over 270 Palestinian minors are held in Israeli detention, despite international treaties and UN resolutions that prohibit the imprisonment of children. By comparison, the age of criminal responsibility in Germany is 14, where minors between 14 and 18 are tried in Juvenile Court. Similar standards apply in Slovenia, Italy, and Spain, among others. In some countries, such as Argentina, Cuba, and Estonia, the minimum age for criminal responsibility is set at 16.



Why could this be dangerous?

UNRWA Commissioner-General Philippe Lazzarini described the vote as »unprecedented« and warned it »sets a dangerous precedent.« By banning a UN agency and designating it as a terrorist organization, Israel challenges the neutrality and legitimacy of international humanitarian organizations, a step that could encourage other countries in conflict zones to similarly restrict, stigmatize, or impede such agencies. This move has serious potential implications for refugee rights and protections: blocking UNRWA's services risks the basic protection and well-being of a vulnerable population, posing a precedent that may weaken the UN's ability to protect refugees in other regions. Furthermore, labelling UNRWA as a terror group risks heightening tensions within the international community, potentially leading to Israel's diplomatic isolation.

Violation of International Law?

The recent ban on UNRWA raises significant concerns regarding international law, appearing to contravene key principles outlined in the

United Nations Charter. This coincides with increased U.S.-Israel tensions over humanitarian aid access to Gaza. On October 13, U.S. Secretary of State Antony Blinken and Secretary of defense Lloyd Austin warned Israel of “consequences” if it did not allow sufficient humanitarian aid, estimated at 350 trucks daily, into Gaza, citing a law that could halt military aid. For reference, currently around 50 trucks are let into the conflict zones. In response, Israel took steps to appease the Biden administration, such as reopening the Kissufim crossing and expanding humanitarian zones, which temporarily satisfied Blinken, who decided to maintain military support while urging Israel to “keep improving.”

Article 55 of the Fourth Geneva Convention mandates that »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.« If Israel fully enacts its planned ban on UNRWA in early 2025 without providing essential resources at its own expenses, this would constitute a violation of both Article 55 and Article 56 of the Convention. Article 56 states: »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,« and later on »Medical personnel of all categories shall



be allowed to carry out their duties.«

In addition to the Geneva Conventions, Israel's actions also appear to breach other major international agreements, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights. Furthermore, as a UN Member State, Israel is bound by the UN Charter's principles of international cooperation and peaceful relations, which stand in clear contradiction to these restrictive measures.

Finally, customary international humanitarian law requires that civilians in conflict zones and occupied territories must have access to humanitarian aid and essential services, underscoring the gravity of obstructing UNRWA's role in the region.



Why was UNRWA established and why do we still need it after 75 years?

The United Nations Relief and Work Agency for Palestine Refugees in the Near East, like already mentioned, was established in 1949 by the United Nations General Assembly. This makes

UNRWA's existence embedded in international law and underscores the international community's duty to protect and support displaced Palestinians. Even the creation of it was a direct response to the mass displacement of Palestinians following the 1948 Arab-Israeli War and the subsequent Nakba – the displacement of around 750,000 Palestinians from their homes. One of UNRWA's major initiatives was the establishment of refugee camps in neighbouring countries, where displaced Palestinians could find temporary shelter. These camps became permanent communities, and UNRWA took on responsibility for maintaining them. In 1967 a new conflict occurred – the Six-Day War which led to the occupation of the West Bank, Gaza, and East Jerusalem by Israel and the number of refugees increased. During the 1990s, the Oslo Accords between Israel and the Palestine Liberation Organization (PLO) raised hopes for a lasting resolution to the refugee issue but no permanent solution had been found so UNRWA continued its work as a humanitarian agency.

While many have criticized Israel's actions, there are also those questioning the continued relevance of UNRWA, even after 75 years. For decades, the world has provided financial support to this organization – why is it still necessary? The reality is that self-sufficiency for these communities remains out of reach. This support will be crucial until a resolution to the Israeli-Palestinian conflict is achieved, the Middle East



gains stability, and their basic human rights are upheld.

All of this feels idealistic right now. But where does the responsibility lie? Take the United States, for instance: on one hand, it's channelling vast resources into arming Israel with an arsenal that includes advanced and, at times, controversial weapons, fuelling one of the most severe humanitarian crises since WWII. Prime Minister Netanyahu himself has often stated that Israel could not pursue its goals without U.S. support. Meanwhile, the U.S. also funds UNRWA and other humanitarian agencies that aid the very people affected by this conflict. It's a stark contrast – supporting relief efforts for communities impacted by actions they themselves help enable.

Why this dual approach? It reflects the balancing act between upholding human rights and safeguarding strategic interests. For the U.S., as a prominent Western nation, maintaining the image of »Western humanity« is key to preserving its role as a beacon of hope and dignity – a country ready to lend a helping hand in times of need. Unfortunately, the myth of Western humanity has been repeatedly shattered in recent years by the deafening silence of Western nations. The ongoing conflict in the Middle East is unfolding alongside a troubling lack of response from these countries. Social media has become a powerful witness to the suffering endured by people in

West Darfur, Congo, Yemen, among the Uyghurs in China, and beyond.

Furthermore, the removal of UNRWA services could risk further destabilizing the region, an outcome that would place additional strain on the already vulnerable communities across the Middle East.

The Future of UNRWA

The future of UNRWA remains uncertain, reflecting the broader complexities of the Middle East. While Israel's actions have been condemned on numerous occasions by various states, courts, and humanitarian organizations, these calls for compliance with international law have yet to yield lasting change. Consequently, even with clear evidence that recent legislation conflicts with international legal standards, there is no assurance that UNRWA's critical services for the Palestinian people will continue in the months ahead.

Prime Minister Netanyahu called on UNRWA to prioritize ongoing reforms, suggesting that some of its employees may be still affiliated with Hamas. He further emphasized the need for UNRWA to renew its commitment to neutrality and ensure strict adherence to its mandate. While he assured that Israel will continue to closely monitor and support these reforms, he made no mention of pausing the recently enacted laws or allowing UNRWA to resume its full operations, even if these self-imposed criteria are met.



Regrettably, options for public action are limited. If the diplomatic pressures and sanctions from world leaders prove insufficient, it is understandable that individuals may feel a sense of helplessness. However, there are still meaningful ways to contribute: many humanitarian organizations, that are allowed in Israel, continue to need funding and donations, global protests persist in raising awareness, and advocacy remains a powerful tool for supporting those affected.

Lazzarini promised that ending UNRWA's services would not alter the refugee status of Palestinians, emphasizing that their status remains safeguarded by a UN General Assembly resolution until a just and lasting solution to the Palestinian issue is achieved.

The future of UNRWA is further complicated by impending U.S. presidential transition, with a shift from the Democratic administration of President Biden to the Republican administration of President-elect Trump. This change introduces a layer of uncertainty, as a new administration may approach the issue with different priorities and strategies. Although specific policy intentions remain unknown, any significant shifts could impact the funding and diplomatic support that UNRWA received from the United States,

affecting its ability to continue delivering critical services to Palestinian refugees.



Conclusion

UNRWA remains essential for millions of Palestinian refugees whose stability is still disrupted by ongoing conflict. Israel's recent legislation limiting UNRWA's operations highlights the fragility of humanitarian aid in politically charged areas. Although some question the agency's relevance after 75 years, the humanitarian needs only grow without a political solution.

International law mandates the protection of civilians in occupied territories, and restricting UNRWA risks both Palestinian welfare and regional stability. Until a lasting solution is reached, UNRWA's role is vital, and the global community must support humanitarian efforts and uphold human rights amid complex geopolitics.

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Sources:

- "Israeli parliament votes to ban Unrwa from Israel within 90 days." The Guardian. (October 28, 2024) Retrieved from: <https://www.theguardian.com/world/2024/oct/28/israeli-lawmakers-pass-bill-that-could-halt-unwra-relief-work-in-gaza>
- "Israeli Knesset vote on UNRWA set to deepen Palestinian suffering." United Nations (October 28, 2024) Retrieved from: https://news.un.org/en/story/2024/10/1156231?_gl=1*_cejt3q*_ga*NDE4MjI0MzU5LjE3MjY2NTA5ODc.*_ga_TK9BQL5X7Z*MTczMDIwMjY4NS4yNy4xLjE3MzAyMDI2OTguMC4wLjA
- "Israel's parliament votes to ban UNRWA, the UN's Palestine aid agency." Aljazeera. (October 28, 2024) Retrieved from: <https://www.aljazeera.com/news/2024/10/28/israel-parliament-approves-bill-to-ban-unrwa>
- "Which countries have cut funding to UNRWA, and why?" Aljazeera. (January 28, 2024) Retrieved from: <https://www.aljazeera.com/news/2024/1/28/which-countries-have-cut-funding-to-unrwa-and-why>
- "Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949." Retrieved from: https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf
- "Israel impedirá la actividad de la agencia para los refugiados palestinos." (October 28 2024) Retrieved from: <https://www.lavanguardia.com/internacional/20241028/10058291/israel-impedira-actividad-agencia-refugiados-palestinos.html>
- "Israel passes law allowing Palestinian children under 14 to be jailed." (November 8, 2024) Retrieved from: <https://www.middleeastmonitor.com/20241108-israel-passes-law-allowing-palestinian-children-under-14-to-be-jailed/>
- "What criminal law enforcement procedures are applied to children in Germany?" Consortium for street children. (April 2019) Retrieved from: <https://www.stretchchildren.org/legal-atlas/map/germany/additional-information/what-criminal-law-enforcement-procedures-are-applied-to-children-in-germany/>
- "Age of criminal responsibility." Wikipedia. Retrieved from: https://en.wikipedia.org/wiki/Age_of_criminal_responsibility
- "És com una pel·lícula de terror": el testimoni de la UNRWA des de dins de Gaza. Notícies. (November 13, 2024) Retrieved from: <https://www.3cat.cat/324/es-com-una-pellicula-de-terror-el-testimoni-de-la-unrwa-des-de-dins-de-gaza/noticia/3321535/>

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