



THE SECRETARY-GENERAL

28 October 2024

Dear Mr. President,

I would like to bring to the attention of the General Assembly on an urgent basis two laws which the Knesset of Israel adopted on 28 October 2024 and which, if implemented, could prevent the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) from continuing its essential work in the Occupied Palestinian Territory, including East Jerusalem, as mandated by the General Assembly.

Upon learning that the Foreign Affairs and Defence Committee of the Knesset of Israel would be considering draft legislation on 6 October 2024 which, if adopted and implemented, could prevent UNRWA from continuing its essential work in the Occupied Palestinian Territory, including East Jerusalem, I sent a letter to the Prime Minister of Israel on 4 October 2024, expressing my utmost concern and requesting that the Government of Israel take the necessary steps to avoid the draft legislation concerned being enacted into law. In view of the gravity of the matter, I stated my intention to bring this matter to the attention of the General Assembly, should the draft legislation that was before the Knesset be adopted.

On 6 October 2024, the Foreign Affairs and Defence Committee of the Knesset of Israel proceeded to approve drafts of two laws for adoption by the Knesset, namely, (a) a Law for the Cessation of UNRWA Activities (2024) and (b) a Law for the Cessation of UNRWA Activities in the State of Israel (2024).

I was deeply concerned to learn that, on 28 October 2024, the Knesset of Israel enacted those two drafts into law.

The Law for the Cessation of UNRWA Activities (2024) reads as follows (UNRWA's unofficial translation from the original Hebrew):

His Excellency
Mr. Philemon Yang
President of the General Assembly
New York

Expiration of the Exchange of Letters between Israel and UNRWA:

1. (a) The invitation to UNRWA based on the exchange of letters between Israel and UNRWA from 14 June 1967 shall expire on 7 October 2024.

(b) The Minister of Foreign Affairs shall notify the United Nations of the expiration under subsection (a) within seven days from the date this law is passed in the Knesset.

No Contact with UNRWA:

2. No state authority, including bodies and individuals performing public duties according to law, shall have any contact with UNRWA or any of its representatives.

Preservation of Legal Proceedings:

3. The provisions of this law shall not negate any criminal proceedings against UNRWA employees, including proceedings related to the events of 7 October 2023, or the 'Iron Swords' War, or any other criminal proceedings under the provisions of the Counter-Terrorism Law, 2016, or the exercise of powers against them in such proceedings.

Commencement:

4. This law shall take effect three months from the date of its publication. However, section 1 shall take effect on 7 October 2024, or on the date of publication of this law, whichever is later.

Reporting to the Knesset:

5. The head of the National Security Council, or his representative, shall report to the Knesset's Foreign Affairs and Defence Committee every six months, and in the first year after the commencement of this law, every two months, regarding the implementation of the provisions of this law.

The Law for the Cessation of UNRWA Activities in the State of Israel (2024) reads as follows (UNRWA's unofficial translation from the original Hebrew):

Objective:

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

Prohibition of Activities in the State of Israel:

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

Commencement:

3. This law shall take effect three months from the date of its publication.

Reporting to the Knesset:

4. The head of the National Security Council, or his representative, shall report to the Knesset's Foreign Affairs and Defence Committee every six months, and in the first year after the commencement of this law, every two months, regarding the implementation of the provisions of this law.

It should be recalled, in connexion with the second of these two Laws, that Israel considers East Jerusalem to be part of the territory of the State of Israel.

These laws, if implemented, could have serious implications for UNRWA's ability to carry out its activities in the Occupied Palestinian Territory and more broadly in the region, as mandated by the General Assembly.

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

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

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

I recall that, in its advisory opinion on the Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, the International Court of Justice concluded that Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation.

I also recall that, by its resolution ES-10/24 of 18 September 2024, the General Assembly has “[c]all[ed] upon the United Nations, and its bodies and organs, to respect and act in a manner consistent with the determinations made by the International Court of Justice, including in relation to all relevant maps, statements and reports, as well as in their respective programmes and actions”.

I am sending a letter to the Prime Minister of Israel expressing my serious concerns regarding the adoption of the two Laws and calling on his Government to continue to allow and facilitate UNRWA’s operations, as mandated by the General Assembly, and to respect Israel’s obligations under international law. I will continue my engagement with the Government of Israel on this matter.


Much will depend on the steps that the Government of Israel may take to implement these two new Laws. However, it can readily be appreciated that a situation may exist in which a difference has arisen between the United Nations and the State of Israel regarding, among other things, the interpretation or application of the Convention on the Privileges and Immunities of the United Nations, to which Israel is a party. In this regard, I will continue to update the General Assembly on the matter so that the Assembly can consider appropriate action.

I will keep the General Assembly closely informed as the situation develops.

I would be grateful for any guidance and support which the General Assembly may be able to provide at this critical juncture in the history of UNRWA.

I should be grateful if you would circulate this letter as a document of the General Assembly under agenda items 34, 35, 49 and 72 (b).

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



António Guterres