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Israel's Attack on UNRWA and Its Implications for Palestinian Refugees

Executive Summary

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is vital in providing humanitarian aid, education, and health services to Palestinian refugees across Jordan, Lebanon, Syria, and the Occupied Palestinian Territories. Beyond its humanitarian role, UNRWA represents an international commitment to Palestinian refugees' right of return, as established in UN General Assembly Resolution 194 in 1948. However, Israel has long sought to undermine the agency through financial, political, and military means.

Recent Israeli actions have escalated, with the Israeli Knesset passing legislation banning UNRWA operations in areas under Israeli control, effectively revoking its legal status. Concurrently, Israel has intensified military attacks on UNRWA facilities. In the Gaza Strip since October 2023, Israeli forces have targeted 310 UNRWA sites, destroying schools and killing 273 UNRWA employees alongside hundreds of civilians sheltering in its facilities. Throughout the occupied West Bank, the Israeli military has been turning UNRWA facilities into military bases and detention centers, and has closed UNRWA's headquarters in East Jerusalem. These actions violate multiple international legal agreements and aim to erase Palestinian refugee identity and their legal rights.

Key Issues

Israeli Legislative and Military Actions Against UNRWA

- The Israeli Knesset has passed legislation banning UNRWA operations in territories under Israeli control and prohibiting any communication between the Israeli government and the agency. These measures severely hinder UNRWA's ability to deliver humanitarian aid and are aimed at erasing the Palestinian refugee issue by stripping refugees of their status.
- Military offensives have deliberately targeted UNRWA facilities, demolishing schools and health centers that serve as shelters for civilians. These attacks have resulted in the intentional killing of civilians and aid workers, further deteriorating conditions for refugees reliant on UNRWA services.
- Israel ordered UNRWA to vacate all premises in occupied East Jerusalem and cease operations by January 30, 2025.
- The Israeli military has systematically turned civilian facilities including UNRWA schools and health centers into military bases and detention centers in the Gaza Strip and occupied West Bank.
- Visas for UNRWA's international staff have been revoked, barring them from the country.

Legal Violations

- Flagrant violation of the provisions of the UN Charter, specifically Article II, paragraph 5 of the UN Charter, and Articles 104 and 105, which obligate states to cooperate with UN agencies and facilitate their work.

- Violation of the 1946 Convention on the Privileges and Immunities of the United Nations, which obliges states to respect the immunity of UN personnel and their facilitative treatment in movement/residence to ensure the proper execution of their tasks.
- Violation of the “Comay-Michelmore” understandings, between the State of Israel and UNRWA that emphasized ensuring the protection and security of UNRWA staff, facilities, and property and allowing the free movement of UNRWA staff and vehicles into and out of Israel and the areas concerned.
- Violation of Israel's pledges to the General Assembly regarding the inadmissibility of using its internal authority to avoid its international obligations.
- Violation by Israel of the 1969 Vienna Convention on the Law of Treaties, Article 27 of which emphasizes that “a party to a treaty may not invoke the provisions of its internal law as justification for its failure to perform the treaty.”

Recommendations

Defend UNRWA’s Mandate and Funding

- Insist on sustaining and maintaining UNRWA and rejecting any proposal related to assigning or replacing this agency with any international authority.
- Challenge efforts to criminalize or delegitimize UNRWA through diplomatic pressure and legal avenues.
- Advocate for increased international financial and political support for UNRWA to ensure its continued operations. Encourage donor countries to maintain or increase contributions despite political pressure to defund the agency.
- The South African government’s legal team must submit an urgent request to the ICJ on the issue of UNRWA’s targeting and call for decisions that would obligate Israel to halt the assault on UNRWA and its facilities.

Pressure for Compliance with International Law

- Impose sanctions on Israel, including economic, academic, and diplomatic measures, until it ceases its violations of international law.
- Implement a full military embargo on Israel, suspending all arms sales, security cooperation, and dual-use technology transfers.
- Ban the trade of settlement products and ensure states do not recognize or support illegal Israeli actions.
- Raise the issue of Israel’s UN membership, advocating for its expulsion due to persistent violations of the UN Charter. If the Security Council obstructs this, the General Assembly should act under Resolution 377 (Uniting for Peace).

Conclusion

Israel’s attack on UNRWA is not just an assault on a humanitarian agency but a strategic move to dismantle the Palestinian right of return and erase refugee identity. The international community must act urgently to hold Israel accountable, protect UNRWA’s mandate, and uphold Palestinian rights. Without decisive intervention, UNRWA’s dismantling will lead to further displacement, suffering, and instability in the region.

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