



Statement on Recent Threats to UNRWA and the Shift between Potential Complicity and Direct Involvement in the Crime of Genocide against Palestinians by Several Nations

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The Lemkin Institute for Genocide Prevention is deeply concerned by the decision of a coalition of several nations – the United States and Germany, in concert with Australia, Austria, Canada, Estonia, Finland, France, Iceland, Italy, Japan, the Netherlands, Romania, Switzerland, and the United Kingdom – to suspend funding to the United Nations Relief and Works Agency (UNRWA). This is a serious escalation of the crisis in Gaza and follows the International Court of Justice’s (ICJ) first ruling in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, which many hoped would slow the genocide. Further, it represents a shift by several countries from potential complicity in genocide to direct involvement in engineered famine. It is an attack on what remains of personal security, liberty, health, and dignity in Palestine.

The Lemkin Institute for Genocide Prevention (LIGP) acknowledges this decision may have been taken in haste, or without proper advice to national leadership, and if so we urge a reversal. If no reversal is forthcoming, we condemn the decision to defund UNRWA, and in doing so, we join a growing consensus of practitioners of international law and scholars of genocide in pointing out that this action is tantamount to increased participation in the on-going genocide of Palestinians in Gaza and constitutes both a violation of the ICJ’s recent ruling and of the participating nations’ responsibilities under the Convention on the Prevention and Punishment of the Crime of Genocide (‘the Genocide Convention’). We further warn that withdrawing funding for UNRWA functions as a fulcrum by which genocidal acts against Palestinians will spread from Gaza to other critical, endangered zones for Palestinian life. During a period of famine, to

implement either permanent cancellation or a pause of funding potentially puts states that have previously committed funds in violation of the Genocide Convention.

On January 26th, 2024, UNRWA announced it had [received and accepted](#) serious allegations from Israel against 12 staff members. These allegations, which were based on various forms of intelligence, including interrogations, claimed that these staff members had links to Hamas and other Islamist organizations and had been involved in the October 7 attacks. UNRWA's leadership immediately [dismissed](#) 9 of these staff members from their posts. One staff member is deceased. The identities of another two are awaiting clarification. UNRWA urged accountability, including criminal prosecution, and began a formal investigation. Several nations responded to Israel's allegations by withholding their promised funding for the entire agency – an immediate withdrawal of hundreds of millions of dollars that could [constitute](#) up to two-thirds of UNRWA's total budget. UNRWA employs an estimated 30,000 people total in Palestine, approximately 13,000 of whom are in Gaza. Currently, 10,000 Gazan UNRWA staff members cannot work due to incapacitation or displacement by Israel's bombardment of Gaza; removing this funding from the remaining 3,000 core workers will lead to [operational collapse](#).

The threat to UNRWA's humanitarian aid is unprecedented, and thus shocking. As the Commissioner-General of UNRWA notes, his agency took swift measures to terminate accused employees and begin a thorough investigation through the proper channel, the United Nations Office of Internal Oversight Services (OIOS). Immediately, a coalition of vital, respected humanitarian aid organizations – including Save the Children, AFSC, Oxfam and relevant Médecins du Monde chapters from France, Switzerland, Canada, and Germany (each urging reversal from their respective governments) – expressed their outrage to donor states, warning that removal of these funds [threatens food and shelter for more than 1 million people](#). The damage of any pause in funding will be irreparable. It is further shocking that the international media has not reacted to these threats with alarm. The Lemkin Institute urges journalists and editors to report robustly on the humanitarian and legal dimensions of withholding humanitarian aid to Palestinians.

This is not the first time that UNRWA's funding has been suspended, but the current withdrawal of funding is constitutively different from previous suspensions, not just in consequence, but also in character. Past temporary suspensions of UNRWA funding include the Trump Administration's abrupt decision to withdraw aid in 2018, [widely considered](#) a failed, blunt negotiating tactic to pressure Palestinian negotiators to renounce their Right of Return, a right guaranteed to all across many foundational elements of international humanitarian law (IHL), including the 4th Geneva Convention, the 1948 Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination, which Israel has signed and ratified. This donor state suspension was reversed by US Secretary of State Anthony Blinken, who at the time

recognized UNRWA funding as a necessity for “hope and stability” for “500,000 Palestinian boys and girls.” The Netherlands, Switzerland and New Zealand also temporarily suspended funding in 2019 – these suspensions functioned as part of a properly handled corruption probe, prompted by an internal UNRWA ethics report and tied to implementation of UN OIOS recommendations. Indeed, these circumstances are so clearly different that New Zealand itself differentiates between them, and despite initial incorrect reporting, will be continuing its current 3-year funding agreement through June while UN OIOS investigates. Former New Zealand Prime Minister Helen Clark responded directly to reports of her Australian colleagues’ decision to suspend aid by reiterating “this isn’t the time to suspend funding,” characterizing it as an inappropriate attempt to financially cripple UNRWA, with “devastating impacts for the families living in Gaza”.

As the UN Special Rapporteur on the occupied Palestinian territories, Francesca Albanese, notes, if carried out, these acts “overtly def[y]” the preventative measures ordered in *South Africa v. Israel* – and entail either “legal responsibilities – or the demise of the international legal system.” International lawyer Francis Boyle, counsel for ICJ Case 91 (*Bosnia and Herzegovina v. Serbia and Montenegro*), which secured measures seeking to prevent genocide against Bosniak Muslims, issued an immediate statement that reads, in part:

[if these actions are carried out, it is] no longer the case of these States aiding and abetting Israeli Genocide against the Palestinians in violation of Genocide Convention article 3 (e) criminalizing 'complicity' in genocide. These States are now also directly violating Genocide Convention article 2(c) by themselves: 'Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part...'"

Dr. Alonso Gurmendi Dunkelberg, an international law expert at the University of Oxford, noted that in the recent ICJ decision, the majority found that preventative measures were justified and genocidal acts may be prosecuted “precisely [because] Israel knows its restrictions on humanitarian aid are inflicting conditions of life that will bring about the physical destruction of countless Palestinians.” He further finds that these funding threats – what he terms the “UNRWA disaster” – have now actively become part of the crucial “intent debate” regarding the application of the Genocide Convention to Israel’s policies in Gaza. Beyond the transfer of weapons and funds, these nations are now joining in inflicting these conditions of life that will bring about the destruction of Palestinians.

Beyond the deaths by bombing, sniper fire, chemical warfare, and autonomous weaponry, hunger dominates the Gaza Strip. This is not unique: weaponizing hunger is specifically envisioned by the Genocide Convention as a method and indicator of the Crime of Genocide. Raphael Lemkin, the ‘father of the Genocide Convention,’ was deeply concerned about the intentional use of

starvation when he coined the term genocide and campaigned for a codification of genocide in international law. In his book *Axis Rule in Occupied Europe*, he included the Nazi official Generalfeldmarschall von Rundstedt's praise for policies of "organized underfeeding," noting that von Rundstedt observed to the Wehrmacht Academy that creating the conditions of starvation was "better than machine guns" as a technique of annihilation. Indeed, [deliberate starvation of populations](#) is a tactic that has been used by the most brutal militaries in history to attain strategic goals, and its criminalization represents a keystone of international humanitarian law. These recent decisions to pull funding from UNRWA represent a concerted attack on that norm.

As conditions deteriorated in Gaza, multiple stakeholders activated The Integrated Food Security Phase Classification (IPC) protocols, whose [Famine Review Committee](#) found that as of January 2024, 500,000 Gazans were forced into Phase 5 'catastrophic' levels of hunger – imminent risk of mass starvation and death. This represents [fully 80% of all people in the world](#) currently at risk of death by hunger. Each malnourished child, starving family, and refugee camp without access to food is a tragedy – collectively, it is a crime, the liability for which rests on those who actively and knowingly prevent access. The Chief Economist of the UN World Food Program, Arif Husain, issued an unprecedented warning at the beginning of 2024, [stating](#) "in my life, I've never seen anything like this in terms of severity, in terms of scale, and then in terms of speed."

Voice of America [confirmed](#) that a month's supply of food sits outside Gaza, unable to get in. Humanitarian aid that does make it past the Israeli siege requires UNRWA logistical operations to reach those most in need. UNRWA also provides critical services and food in other areas of Palestine and the diaspora, including East Jerusalem, Jordan, Lebanon, Syria, and the West Bank. The nations we are addressing represent [more than 60%](#) of UNRWA's budget for food, education, and shelter. Disruption of aid inflicts suffering on all Palestinians and amounts to collective punishment for [allegations made against 12 UN workers](#).

The Lemkin Institute's warning and condemnation is in line with the words of scholars, activists, humanitarians and concerned nations across the globe. Circumventing Israel's [military censorship of the domestic press](#), Aeyel Gross, an expert on international law at Tel Aviv University, [expressed directly](#) that UNRWA ought to be "support[ed]" not defunded, pleading that UNRWA plays "an important humanitarian role that people depend upon, addressing needs that will continue to exist." Minister of Foreign Affairs for Jordan, Ayman Safadi, [characterized](#) these actions as [collective punishment](#), and "urge[d] countries that suspended funds to reverse [their] decision." Norway [rebuked](#) its NATO allies and neighbor Finland, issuing a statement that it would be continuing its funding for the purpose of "saving lives and safeguarding basic needs and rights." Espen Barth Eide, Norway's Minister of Foreign Affairs, [appealed](#) to the conscience of his colleagues, urging them to "reflect on the wider consequences of cutting funding to UNRWA in this time of extreme humanitarian distress," characterizing Norway's decision as a principled stance to not participate in a coalition seeking to "collectively punish millions of

people.” Ireland too issued a strong statement in opposition, [expressing](#) “full confidence” in UNRWA leadership. Hearteningly, the European Union stands firm against the coordinated abandonment, announcing it would follow the established protocols for investigation, that all “ongoing funding commitments by the EU have been implemented and funding has not been suspended,” and with High Representative Josep Borrell, noting specifically that the proper response to a finding of wrong-doing would be [strengthening internal controls](#). We hope that more countries, organizations, and leaders will join these voices to protect the lives of vulnerable Palestinians.

The Lemkin Institute worries this action is timed in such a way to be made in retaliation against the ICJ’s order for preventative measures in *South Africa v. Israel*. It certainly acts in furtherance of a long-term goal of Israeli factions that hope to strip refugee status from UNRWA’s constituent populations. Tania Hary, the Executive Director of [Gisha](#), a Tel Aviv-based Human Rights Organization, swiftly [denounced](#) the international coalition, warning the international community that this act represented

part of the plan of an extremist Israeli government causing unfettered destruction and suffering[,] and determined to unravel Palestinian aspirations for self determination and even survival. It has nothing to do with any allegations.

To her point, the Lemkin Institute reminds readers that Noga Arbell, a former Israeli Foreign Ministry official and currently the [head](#) of the right-wing Kohelet Foundation, [urged](#) the emergency Israeli government in early January to take swift action on weakening UNRWA, stating “it will be impossible to win the war if we do not destroy UNRWA, and this destruction must begin immediately.”

It was after Arbell’s remarks that the Israel Security Agency, commonly known as *Shin Bet*, announced its allegations against UNRWA staff. According to domestic Israeli news outlets, the ISA claims were in large part based on [confessions extracted from the interrogation of militants](#) captured on October 7. Whether or not it is true that the allegations were based on “confessions,” it is important to note that Israel routinely tortures Palestinian captives, a method that [has been shown](#) to produce [unreliable](#) and false intelligence. Following the October 7 attacks, the Israeli Emergency Government in fact [took](#) and [renewed](#) several steps to legalize a policy of mass internment and institutionalize the torture of detainees. The Palestinian Prisoners and Ex-Prisoners Affairs Commission [drew](#) a direct comparison between Ktzi’ot Prison and [Abu Graib](#). Euro-Med Monitor has compared [Sdeh Teiman](#), the site of potential mass killings of Palestinian prisoners, with allegations of uncounted field executions and Israeli confirmation of torture deaths characterizing it as a potential [execution facility](#), to [Guantanamo Bay](#). There are also reports that Antot camp and Damon prison are controlled through violence and alleged use of retaliatory sexual abuse towards Palestinian women. All are named specifically as [in violation](#)

[of Article \(7\)\(1\)\(I\)](#) of the Rome Statute, the crime of Enforced Disappearance by the Palestinian non-profit, Addameer Prisoner Support and Human Rights Association. Prior to these measures, *Shin Bet* was known even within Israel to [seek false confession under torture](#). Israel has systematically refused the International Committee of the Red Cross access to detainees. Euro-Med Monitor has [called on](#) the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Working Group on Arbitrary Detention to investigate Israel's treatment of detainees, with charges that Israel is engaging in their "[liquidation](#)."

The states that have chosen to pause funding to UNRWA must understand the conditions of interrogation in Israel. Under international law, confessions extracted by torture cannot count as evidence, which Amnesty International [notes](#) is explicitly "non-derogable" – meaning "it cannot be relaxed even in times of emergency." The Lemkin Institute for Genocide Prevention therefore urges Australia, Austria, Canada, Estonia, Finland, France, Germany, Iceland, Italy, Japan, the Netherlands, Romania, Switzerland, the United States, and the United Kingdom to review their national prohibitions on torture for guidance.

While initial media reports spoke only of the 12 accused workers – [nine terminated, one dead, the identities of two unclear](#) – Carrie Keller-Lynn reported that the Biden Administration was not driven by this publicly accessible information, but by a [private intelligence dossier](#) provided by Israeli intelligence. [According to](#) the Wall Street Journal, the *Shin Bet* dossier is based on signals intelligence, documents from [dead bodies](#), and interrogations by Israeli intelligence agencies, and claims that while 6 workers could be tied to logistical or direct support of the attacks on October 7th, potentially 10 percent of UNRWA employees may have ties to several elements of Palestinian resistance. Apparently these links are demonstrated by extremely tendentious means, including through family relationships. The legalization of kin punishment is considered [a significant milestone](#) in the [construction](#) of Israel's [apartheid regime](#), and is an assumption of collective guilt that is condemned under IHL. General Comment No. 29, Article 4 of the International Covenant on Civil and Political Rights, is clear that even a state of emergency cannot justify violations of customary IHL, including [Rule 103](#) (the prohibition on collective punishment), which applies not just to military actions, but criminal, police, and administrative sanction. Israeli actions specifically in the past have been crucial in [establishing](#) a bright-line understanding that this guarantee is applicable to "all individuals, no matter what their status or to what category of persons they belong," within or without conflict zones, regardless of a state of emergency.

The revelation that President Biden and potentially other coalition nations relied on briefings from Israeli intelligence that remain hidden from public scrutiny to make such a consequential decision highlights the need for both transparency and caution. The Lemkin Institute reminds readers of the [Brom Report](#), prepared for Tel Aviv University's Jaffee Center for Strategic

Studies, in which Israeli Brigadier General Shlomo Brom warned of a likelihood that “governmental bodies falsely manipulated intelligence information in order to gain support” for an invasion of Iraq due to “relations between [Israeli] intelligence and senior decision-makers,” presenting [journalists and state partners](#) “an exaggerated assessment” that was driven by an “intelligence picture [that] was manipulated.” This report was issued to prevent a repetition of similar mistakes. Several examples of overstated or incorrect intelligence during on-going Israeli reprisals against Gaza have led some analysts to publicly warn that Israel’s “[credibility is shot.](#)” The Lemkin Institute seeks to underscore that, given these concerns about admissibility, credibility, and timing, a rush to judgment, rather than a trust in protocol and methodical investigation as urged by the European Union, may prove to be a mistake with lethal consequences.

The safety and sanctity of refugee status in the region has been routinely violated by Israel – this is no longer an allegation, but forms a [critical part](#) of the South African case before the ICJ. Taking action against UNRWA as a whole represents an *intensification* of anti-refugee acts, including the [58 refugee camps reliant](#) on UNRWA funding, core responsibilities, and daily operation. Dr. Nicola Perugini, international law scholar and the leading expert on [human shields in conflict](#) and the [intentional destruction of hospitals](#), [notes](#) that this “attempt to shut down UNRWA is clearly an attempt to shift the attention away from the ICJ genocide order...to destroy UNRWA reveals precisely genocidal intent: Israel's calculated efforts to intensify starvation in Gaza.” The Lemkin Institute agrees, warning unequivocally the funding threats to UNRWA’s operations suggests the intent to destroy, in whole or in part, the Palestinian people via the destruction of the life raft provided by UNRWA.

At the time of this statement, this is a fluid and active situation — one of the key tenets of genocide prevention is to anticipate and inhibit acts destructive to life. The three pillars of the Responsibility to Protect should [guide all nations](#), and GenPrev [invites action from all](#). The family of Canadian Minister of International Development Ahmed Hussen, following his choice to directly participate in worsening conditions of starvation for Palestinians, [publicly reproached](#) him in a moving letter, including using a translation of the Somali phrase *dhiiga kuma dhaqaaqo*: does your blood not move?

For hope going forward, we [remind](#) our readers of Craig Mokhiber’s public resignation [letter](#). He wrote that he found power and a path forward in

the principled stance taken in cities around the world in recent days, as masses of people stand up against the genocide, even at risk of beatings and arrest. Palestinians and their allies, human rights defenders of every stripe, Christian and Muslim organizations, and progressive Jewish voices saying “not in our name”, are all leading the way. All we have to do is to follow them.

Although all perpetrators of genocide have justifications for their actions, that does not make them just or legal. Lemkin [warned specifically](#) that genocide can be seen as the transformation of “ancient barbarity into a principle of government,” made up of acts imbued with “sacred purpose” that attack over time the

essential foundations of the life of national groups so that these groups wither and die like plants that have suffered a blight. The end may be accomplished by the forced disintegration of political and social institutions, of the culture of the people, of their language, their national feelings and their religion. It may be accomplished by wiping out all basis of personal security, liberty, health and dignity.

Lemkin’s techniques of genocide noted above are all present in Israel’s actions against the Palestinians of Gaza, the West Bank, and East Jerusalem, and are now assisted by the coalition to defund UNRWA. Celebrating these actions, Noga Arbell urged Israelis to go further, condemning Aharon Barak for his votes at the ICJ and challenging the [very authority](#) of the ICJ to enforce the Genocide Convention. In her [estimation](#), Israel should kick UNRWA out of the occupied territories and Gaza because it “[allow\[s\] terrorists to be born.](#)” Israeli Foreign Minister Israel Katz tweeted on January 27 to not only [applaud](#) Canada for joining the US in defunding UNRWA but to push for the end of UNRWA entirely, so as to not perpetuate “the refugee issue,” by which he means the Palestinian national group’s post-Nakba restitution claims. He wrote: “Under my leadership, the @IsraelMFA aims to promoting a policy ensuring that @UNRWA will not be a part of the day after... We will work to garner bipartisan support in the US, the European Union, and other nations globally for this policy aimed at halting UNRWA's activities in Gaza.”

The Lemkin Institute urges international actors to remember the human beings who will be impacted by the punitive defunding of UNRWA. Yamen Hamad, a father of four, [escaped Israeli bombs](#) that destroyed his home in October. He and his children survived, and they now depend on food from UNRWA, their remaining family sheltering in a converted UNRWA school building in Deir Al-Balah, its smallest camp. To him and his children, the situation is clear. “Those countries who suspended the aid to UNRWA,” he [states](#), “have declared themselves partners [in]...a war of famine against us.”

There is yet no metonym for the coalition of nations withdrawing funding from UNRWA, leading to a certain awkwardness in referring to this ad-hoc grouping of states. Dr. Ghassan Abu Sitta of Médecins Sans Frontières, a veteran humanitarian who has worked in Yemen, Iraq, Syria, [provided expert war crimes testimony](#), and is a leading expert on reconstructing injuries to children after massacres, issued a stark [suggestion](#) in the wake of Biden et. al’s announcement:

“With the defunding of a UNRWA a distinct Axis of Genocide has emerged. Individuals, institutions and countries need to de[cide]: are you with the Axis of Genocide, or against it?

We urge state leaders who have decided to withdraw aid for UNRWA to reverse course. We further urge populations around the world to take preventative action to ensure their countries are acting in accordance with the requirements of the Genocide Convention. We finally urge international legal bodies to prosecute all leaders who have chosen to participate in genocide against Palestinians in Gaza in addition to those who are responsible for complicity in the crime.