



January 25, 2024

The Honorable Michael McCaul
Chairman
House Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington DC, 20515

Dear Chairman McCaul:

This is in response to your letter of January 15, 2024, concerning the mission and effectiveness of the United Nations Relief and Works Agency (UNRWA).

UNRWA is grateful for the ongoing support of the United States government and its people and appreciates this opportunity to supply additional facts. We hope the observations below will address your concerns, clarify any misconceptions about the Agency and its operations, and provide you with the necessary reassurances that UNRWA is doing everything required to ensure it upholds humanitarian principles, including the neutrality of its operations.

First though, let me reiterate the United Nations position on this tragic situation. As UNRWA Commissioner-General Philippe Lazzarini stated on 15-October, ***“Last week’s attack on Israel was horrendous – devastating images and testimonies continue to come out. The attack and the taking of hostages are a flagrant violation of international humanitarian law.”***¹

Nowhere is safe in Gaza

UNRWA serves as the backbone of the humanitarian response in Gaza. Currently over 1.7 million displaced Gazans are sheltering at, or near, 154 UNRWA facilities and receiving assistance from the Agency.

Displaced Gazans hope that the UN ‘blue flag’ will offer them some level of protection during this conflict. However, this hope has been dashed as various UNRWA facilities have been struck - on average - twice daily, including yesterday on the Khan Younis Training Centre. To date, there have been 235 separate incidents impacting our premises resulting in more than 330 internally displaced persons being killed and more than 1,150 injured.²

Direct delivery of humanitarian aid to those in need

UNRWA donors, including the United States, rightly want to be certain that all possible steps are taken to prevent the use of humanitarian assistance by combatants. The Agency and its humanitarian partners have a responsibility to ensure that assistance reaches intended beneficiaries and minimizes the risk that funds or assets are diverted. This is a matter of accountability to our mandate, our donors, and most importantly, to the people we serve.

Further, the 2023-2024 U.S.-UNRWA Framework for Cooperation commits the Agency “to take all possible measures to ensure funding provided by the United States to UNRWA does not provide assistance to, or otherwise support, terrorists or terrorist organizations.” This includes reporting to the United States on any actions taken regarding staff misconduct and aid diversions.³

¹ “UNRWA Commissioner General Philippe Lazzarini remarks on the situation in the Gaza Strip,” October 15.

² UNRWA Situation Report on the Situation in the Gaza Strip and the West Bank #65, January 18, 2024.

³ 2023-2024 Framework for Cooperation Between the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the United States of America. Department of State, June 1, 2023.

While Gaza is particularly sensitive, UNRWA builds on the good practices globally in applying due diligence and risk management for the movement, storage, and distribution of humanitarian aid. All while also acknowledging the Agency operates in a high-risk environment.

UNRWA employs safeguards to ensure it can deliver assistance to people in need in a principled manner, even in complex environments such as Gaza. These safeguards were in place before the conflict. For example:

- UNRWA does not make transfer of values to the de facto authorities or any Palestinian faction. Under its Privileges and Immunities, the Agency is immune from paying taxes, including indirect taxes, to a host government. Local staff and vendors do not pay income tax to the de facto authorities and neither do vendors working on our projects and providing services.
- UNRWA takes measures to ensure that it has no financial ties with any individual or organization on the UN Security Council Consolidated Sanctions List. During periods of escalation, the Agency has emergency screening procedures to ensure the provision of aid is coming in an effective manner (i.e. rapid screening of new vendors like bakeries). Subcontractors and implementing partners are also vetted.
 - This includes sharing staff lists with all host countries, including Israel.
- All payments (contractors, suppliers, staff, etc.) are processed through the Bank of Palestine, which does not pay tax to the de facto authorities, and are also vetted against European Union sanctions lists. All payments through the Bank of Palestine are also subject to the banking regulatory framework governed by the Palestinian Monetary Authority in Ramallah.
- The external, independent UN Board of Auditors annual audit and UNRWA's Department of Internal Oversight Services internal audit and investigations act as pillars of internal control and oversight.

In Gaza today, these safeguards minimize the risk of humanitarian supplies from being diverted. Evidence in support of our practices comes from the Biden Administration itself with a senior official recently stating, "the Israeli government has not brought to the attention of the U.S. government... any specific evidence of Hamas theft or diversion of assistance provided via the U.N. and its agencies. Full stop."⁴

UNRWA: committed to humanitarian principles, including neutrality

The Agency is constantly on-guard to maintain its humanitarian space, which UNRWA must have in order to provide services to Palestine Refugees living in one of the most complex humanitarian settings. Despite the massive challenges imposed by a conflict of such a scale, the Agency continues to work to ensure the neutrality of its installations.

UNRWA protection teams in our five fields of operation conduct quarterly integrated assessments of almost 1,000 installations. These assessments review adherence to neutrality and the level to which our installations are able to provide safe, inclusive, accessible and dignified services to Palestine Refugees. During each of the second and third quarters of 2023 for example, UNRWA assessed 99 percent of active Agency installations. The most frequent issues identified during the facility inspections concerned a lack of adequate UN signboards, 'no weapons' signs, and UN flags.

In the current conflict we have already recorded 23 incidents of military use and/or interference at UNRWA premises.⁵

UNRWA has a zero-tolerance policy with regard to staff neutrality violations and takes all credible allegations seriously. The Agency acknowledges that zero tolerance does not equate to zero risk. The key is how the Agency deals with such cases.

Whenever potential incidents of staff misconduct are brought to the Agency's attention the allegations are immediately assessed and actions that may constitute misconduct are investigated.

⁴ Washington Post, "Despite U.S. pressure on Israel, casualty count in Gaza remains high," January 14, 2024.

⁵ UNRWA Situation Report on the Situation in the Gaza Strip and the West Bank #65, January 18, 2024.

Where alleged misconduct is substantiated, appropriate disciplinary measures are imposed in line with the Agency's regulatory framework – up to and including dismissal. Other significant measures are also taken, often in combination, including heavy fines (months of salary), demotion (resulting in severe loss of income), and ineligibility for promotion.

In past conflicts UNRWA has discovered the neutrality of its facilities had been compromised by armed groups in Gaza to cache munitions, including during the 2014 conflict.⁶ In such instances, UNRWA protests to the de facto authorities and the Palestinian Authority, condemning the fact that these weapons components had been stored at a UN facility, in breach of the inviolability of UN facilities. UNRWA also immediately informs Israel. The Agency follows a similar protocol regarding suspected tunnels linked to its facilities, including sealing cavities by injecting cement whenever discovered.⁷

UNRWA education: committed to academic excellence

UNRWA devotes considerable time and resources to ensuring its teaching reflects UN values. The UN, in any refugee situation across the world, utilizes host country curriculums. This practice is aimed at ensuring students can matriculate into host country educational systems at any level and more broadly participate in the social and economic life of the host country.

This is particularly relevant for UNRWA as our school system ends after grade 9 and students transition to local schools for upper secondary, then university. As recently passed House legislation notes, UNRWA reviews all host country textbooks, grades 1-9, to ensure consistency with UN positions, educational appropriateness, and adherence to UNESCO standards.⁸ All UNRWA schools utilize official UN maps which include Israel.

Internationally recognized outside evaluators – including a 2021 World Bank-UNHCR study⁹ – empirically demonstrate that UNRWA's educational outcomes are among the best in the region and at the lowest cost per student. UNRWA's students in Gaza, the West Bank, and Jordan “scored an average of a quarter of a standard deviation higher in international assessments than public school children, implying an advantage of almost a year of learning.”

An objective next step to ensure quality and consistent adherence to UN values and principles, including neutrality

In light of the difficulties created for policymakers by accusations levied against UNRWA and the subsequent Agency response, UNRWA Commissioner-General Lazzarini has taken the decision to request an independent review of these claims of unchecked pro-Hamas activity within the organization, including potential employee neutrality violations. The review will determine what is true and untrue and assess how the Agency addresses problematic cases.¹⁰

The review's terms of reference will also provide for potential recommendations to strengthen the Agency's procedures and an assessment of the allegations.

Recall, we have already seen in a related independent review of Palestinian Authority textbooks commissioned by the European Union that the work of one organization accusing the Agency of promoting values contrary to UN principles was “marked by generalising and exaggerated conclusions based on methodological shortcomings.”¹¹

Finally, we appreciate your offer to discuss these matters with the committee. While UN Privileges and Immunities forbears the Commissioner-General from being subject to committee rules and procedures and joining the committee in open session – let alone the security risks to our staff posed by answering

⁶ UN Security Council, 8532nd Meeting. May 22, 2019

⁷ “UNRWA Strongly Condemns Neutrality Breach Against the Agency in Gaza.” November 29, 2022.

⁸ H.R. 3266, the ‘Peace and Tolerance in Palestinian Education Act.’

⁹ “The Global Cost of Inclusive Refugee Education,” World Bank-UNHCR, February 24, 2021.

¹⁰ “UN Agency Seeks Review of Alleged Pro-Hamas Activity in Its Ranks,” Associated Press. January 17, 2024.

¹¹ “Report on Palestinian Textbooks,” Georg Eckert Institute for International Textbook Research, 2021.

certain questions in an unclassified setting - he would nonetheless be pleased to answer in writing any additional questions and to meet you and your colleagues one-on-one, or in a members only setting, when he next travels to Washington, DC.

In closing, we hope the committee will allow us to continue our indispensable, lifesaving work in the knowledge that UNRWA takes seriously its responsibilities as a credible, neutral humanitarian partner with the United States.

Sincerely,



William R. Deere
Director
UNRWA Washington Representative Office

cc:
Members, House Committee on Foreign Affairs