

**EMBARGOED UNTIL 00.01 GMT 27<sup>th</sup> March 2024**

## **Legal challenge to be launched against Foreign Office for UNRWA defunding decision.**

*London, 27<sup>th</sup> March 2024:* A pre-action letter has been issued to the Foreign, Commonwealth, and Development Office (FCDO), challenging their ongoing decision to pause funding for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The challenge has been launched by Bindmans LLP, on behalf of a British-Palestinian man in a desperate bid to protect his family, who are UNRWA-registered refugees. The International Centre of Justice for Palestinians provided evidence and financially supported the complaint.

On 27<sup>th</sup> January 2024, the UK government announced the withdrawal of funds from UNRWA. This legal challenge alleges that this was decided illogically and without due consideration of evidence, of international obligations, or of FCDO decision-making frameworks. The claimant is seeking the withdrawal of this decision and the restoration of funding to UNRWA. A judicial review will be launched if the government does not announce the restoration of UNRWA funding by Tuesday, 2<sup>nd</sup> April 2024.

The complaint alleges that the government's decision may violate its international obligations, possibly making it complicit in Israel's apparent breaches of the Genocide Convention and Common Article 1 of the Fourth Geneva Convention. It is also alleged that the decision taken runs contrary to the FCDO's Strategy for International Development and its International Humanitarian Framework.

The client's parents, resident in Jabalia refugee camp, Northern Gaza are completely reliant on UNRWA aid, and the client's family have already reported major shortages of food, water, and essentials. Expert modelling has declared famine 'imminent', with over one million Palestinians expected to face 'catastrophic' levels of hunger. The risk of famine was clear when the UK government took the decision to pause funding. Only eleven days earlier, eight UN special rapporteurs stated that *"every single person in Gaza is hungry, a quarter of the population are starving and struggling to find food and drinkable water, and famine is imminent"*.

On the 26<sup>th</sup> January, only one day prior to the day before the government's decision, the International Court of Justice issued a ruling in the case of *South Africa v Israel*. The judges agreed on the plausible risk that genocide is being committed in Gaza, and issued provisional measures to prevent irreparable harm being caused to the rights of Palestinians. These measures included immediate and effective measures be taken to ensure aid and humanitarian assistance enter Gaza.

Despite these warnings, the government opted to withdraw funds after Israeli officials made unsubstantiated allegations that 12 members of UNRWA's over 30,000 staff were involved in attacks on Israel on 7<sup>th</sup> October. In the weeks since, the Israeli government has not produced the requisite evidence to support its allegations, while international agencies including US intelligence services have cast doubt on Israel's claims.

The UK has failed to provide adequate reasoning as to why it has withdrawn funds – and has not responded to the UN's interim report detailing UNRWA's robust response to the allegations. In contrast, other allied countries, including Canada and EU states, have been satisfied by this report and pledged to resume funding.

Established in 1948, UNRWA is the largest aid-provider for Palestinians. For the last ten years, at least 50% of UK government aid to Palestinians has gone through UNRWA. Despite the government's attempts at alternatives – delivering a small amount of aid by air-drop or supporting the US's maritime corridor scheme – there can be no replacement for UN-delivered aid, through which UNRWA is the single most appropriate vehicle.

The suspension of funding has had a profound impact on UNRWA's operational capabilities in Gaza. Josep Borrell, the EU's foreign policy chief, warned on 4 February 2024 that the suspended funds amounted to almost half of the agency's expected income in 2024, putting its very existence at risk.

Alice Hardy, Partner at Bindmans with conduct of the case, said:

*“The UK government's strategy for international development sets out four priorities, including to: ‘provide life-saving humanitarian assistance and work to prevent the worst forms of human suffering’. Given the catastrophic situation in Gaza, including an impending, man-made famine, the ongoing decision to cease funding to UNRWA is not only morally wrong but flies in the face of that strategy.*

*The 12 members of staff against whom allegations were made have been suspended and two investigations were immediately initiated. Canada, Sweden, Australia, and the EU are satisfied with the measures that have been taken. The immense suffering of the Gazan people makes it imperative to reinstate funding to UNRWA as quickly as possible.”*

ICJP Senior Public Affairs Officer Jonathan Purcell said:

*“The government knows that UNRWA is the only effective means to deliver humanitarian aid, and it ought to know that it hasn't given sufficient reason on how, or why, it decided to cut funding.*

*When the decision to withdraw funds was taken, it was illogical. Now, with Gaza staring famine in the face, it is unconscionable. The government must restore funding immediately, if it doesn't wish to be complicit in the thousands of deaths by hunger and thirst which are, terribly, very likely to occur in the months to come.”*

The Applicant is represented by Alice Hardy, Shirin Marker and Lily Seabourne of Bindmans LLP and Julianne Morrison of Monckton Chambers.

**ENDS**

**Notes to editors:**

1. The [International Centre of Justice for Palestinians](#) is an independent organisation of lawyers, politicians and academics who support the rights of Palestinians and aim to protect their rights through the law.
2. For more information, for a redacted copy of the letter, or to arrange an interview with a spokesperson, please contact the ICJP news desk at [press@icjpalestine.com](mailto:press@icjpalestine.com).
3. UNRWA is the largest humanitarian actor in Gaza, described as having a 'stabilising role' in the region and being with its 13,000 staff in Gaza being 'critical to delivering humanitarian assistance', according to Minister of State (FCDO) Andrew Mitchell ([Hansard, 29<sup>th</sup> January 2024](#)).
4. United Nations Office of the High Commissioner for Human Rights (OHRCR), 16<sup>th</sup> January 2024, [Over one hundred days into the war, Israel destroying Gaza's food system and weaponizing food, say UN human rights experts](#)
5. Josep Borrell, 4<sup>th</sup> February 2024, [Defunding UNRWA would be both disproportionate and dangerous](#), European External Action Service
6. [International Rescue Committee et al, February 5<sup>th</sup> 2024, Civilians are in crisis in Gaza – Donors must restore funds for UNRWA](#)
7. World Health Organisation, 18<sup>th</sup> March 2024, [Famine in Gaza is imminent, with immediate and long-term health consequences](#)
8. Guardian Staff, 22<sup>nd</sup> February 2024, [US intelligence casts doubt on Israeli claims of UNRWA-Hamas links, report says](#)
9. United Nations, 20<sup>th</sup> March 2024, [UNRWA review panel presents interim findings to Secretary-General](#)
10. See, also, decisions to resume funding by [Canada](#), [Sweden](#), [Australia](#), and [the EU](#).