



Medical
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Senator the Hon Penny Wong
Minister for Foreign Affairs
Parliament House, Canberra

1 February, 2024

Copy to The Hon Anthony Albanese MP, Prime Minister of Australia

Dear Minister Wong,

UNRWA DE-FUNDING AND COMPLICITY WITH GENOCIDE

On behalf of the members of the Medical Association for Prevention of War, I write to urge you to immediately reverse your decision to suspend Australia's funding of the United Nations Relief and Works Agency (UNRWA).

Your decision cripples UNRWA's ability to provide urgently needed humanitarian aid to Gaza's civilian population, undermines the authority of the International Court of Justice, and makes Australia complicit with conduct that may amount to genocide.

The ICJ has established that "the civilian population in the Gaza Strip remains extremely vulnerable" and has found that "Israel must take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip." It is notable that this measure was supported by 16 of the 17 ICJ judges, including the judge from Israel.

The Court also established that "at least some of the acts and omissions alleged...to have been committed by Israel in Gaza appear to be capable of falling within the provisions of the [Genocide] Convention" and found that Israel must prevent the commission of all acts within the scope of the convention, with specific reference to the act of "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part" (Article II, para. (c)).

Increasing UN agencies' access to Gaza is an effective measure that Israel can take to fulfil the Court's directives on the provision of aid and prevention of genocidal acts. UNRWA is the UN agency mandated to provide humanitarian aid to Gaza. Yet Australia has suspended its funding to UNRWA, crippling the agency, and in effect collectively punishing all Gazans for the suspected crimes of 12 of UNRWA's 13 000 employees.

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Knowingly and willingly inhibiting the ability of a legally mandated body to deliver life-saving aid, in accordance with directives from an international court, may make Australia complicit - morally or legally - in any breach of Article II of the Genocide Convention. Australia is also a signatory to legally binding instruments that prohibit collective punishment. Australia recognises the jurisdiction of the ICJ, and acknowledges that its findings are binding on all parties to its proceedings.

Australia has previously expressed concern at the risk of the Israel-Palestine war spreading within the region. The UNRWA Commissioner General Philippe Lazzarini has warned of the de-funding decision exacerbating this risk: *"The lives of people in Gaza depend on this support and so does regional stability."*

Other states - such as Norway, Ireland and Spain - have been able to perceive the distinction between the actions of individuals and the function of an agency, and are maintaining their commitment to UNRWA.

Australia's action is totally inconsistent with our practice in other instances of alleged criminal or other wrongdoing in large organisations. As just one example, the Department of Human Services was not de-funded when the appalling and very damaging Robodebt scandal came to light. There is no practice anywhere in our society of de-funding whole institutions that provide essential services because of the actions of individuals within them. To do so would simply escalate beyond measure the damage caused. It is notable also that comparable measures are not being undertaken in relation to the perpetrators of the war crimes leading to the deaths of 152 UN staff delivering humanitarian aid in Gaza - an unprecedented number in any war.

Once again, it appears that unique forms of punishment are being inflicted on Palestinian civilians that would not be contemplated in other situations.

UNRWA had already dealt appropriately with the allegations when the de-funding announcements were made, by terminating the contracts of the relevant individuals and seeking an independent investigation.

We urge you to reverse this incomprehensible decision, support and act on the ICJ orders rather than undermine them, and restore critically-needed funding to UNRWA.

Yours sincerely,



Dr Sue Wareham OAM
President, Medical Association for Prevention of War