

LETTER TEXT

Dear President Biden,

We write to express our deep sense of urgency and alarm about the potentially devastating consequences to innocent civilians of an Israeli military ground invasion of Rafah. We share the position highlighted by US Ambassador to the UN Thomas-Greenfield that “no attacks on Rafah should take place, given current circumstances.” An extensive Israeli offensive in Rafah would further deteriorate the already dreadful conditions for civilians, more than half of whom are on the brink of famine, as well as risk the lives of the 130 Israeli and American hostages still held in Gaza by exposing them to the threat of aerial bombardments and derailing a negotiated agreement that could lead to their release.

As the north of Gaza has become increasingly dangerous for civilians, Rafah has served as the least dangerous place of refuge in Gaza for the over one million displaced Palestinians seeking safety from this brutal conflict. Conditions in northern and central Gaza are dire, leaving refugees with no other viable alternatives for shelter and safety.

We are deeply concerned that any further expansion into Rafah will compound the ongoing humanitarian crisis in Gaza. The densely populated nature of the city and the presence of a huge number of displaced Palestinians raise profound concerns about potential civilian casualties and the ability of nongovernmental organizations to successfully deliver vital humanitarian aid.

Our foreign policy must seek to uphold the inherent safety, dignity and worth of every individual even in the midst of horrific violence. A steadfast commitment to U.S. and international law, with a central focus on safeguarding civilian life, must remain a guiding principle in the provision of U.S. assistance to aid recipients.

In alignment with this commitment, we express our gratitude for your recent National Security Memorandum 20 (NSM-20) on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services. This memorandum represents a significant step towards ensuring that military operations supported by U.S. tax dollars strictly adhere to both American and international humanitarian law. The inclusion of measures designed to minimize civilian casualties underscores our dedication to promoting lawful and responsible conduct in all security endeavors funded by the United States.

However, we wish to highlight that further expansion into Rafah would likely contravene the principles set forth in NSM-20. The memorandum emphasizes the importance of credible assurances from recipient countries that they will use U.S. weapons in adherence with international humanitarian law. While we continue to urge Israel to avoid an expanded operation in Rafah, we share your obvious concern about the absence of a credible plan for the safety and support of the more than one million civilians sheltering in Rafah. Prime Minister Netanyahu has reportedly presented an evacuation plan to his security cabinet, but we remain concerned by an apparent lack of U.S. and international consultation, participation, and involvement in these plans. Calls from members of Prime Minister Netanyahu’s government for illegal policies such as the expulsion and transfer of civilians to destinations outside the Gaza Strip demand careful attention to make sure that any evacuation plan is consistent with the principles set forth in NSM-20. As contemplated by the Administration’s policy, a ground invasion that runs counter to the specific principles outlined in NSM-20 should not be supported by U.S. taxpayer-funded assistance.

We urge you to use every tool at your disposal to ensure that the norms of American and international law are observed throughout this conflict and that all recipients of U.S. aid are held accountable to the commitments demanded by NSM-20. Peace is an urgent moral and political imperative, and strict adherence to international humanitarian law will help guide us on the road to peace.