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I. NICARAGUA REQUESTS MEMBERSHIP OF COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

The following letter, dated 7 July 2008, containing the request was addressed by the Permanent Representative of Nicaragua to the United Nations, María Rubiales de Chamorro, to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Paul Badji (A/62/951, annex). The request was subsequently approved by the General Assembly on 11 September 2008 (GA/10740).

I have the honour to address you in reference to the status of Nicaragua on the Committee on the Exercise of the Inalienable Rights of the Palestinian People, over which you so honourably preside.

Nicaragua has historically put forth positions in favour of the inalienable rights of the Palestinian people, which the Committee upholds. It has favoured a just solution to the Palestinian question and, for some time now, our country has been active in the Committee in the capacity of observer.

Because of the history of Nicaragua in upholding the inalienable rights of the Palestinian people, and the particular interest of the Government of National Reconciliation and Unity of my country in this regard, I am writing to inform you of our interest in becoming a full member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

I express my gratitude to you for putting this request forward through the established practice and procedures of the Committee.

II. HIGH-LEVEL FACT-FINDING MISSION TO BEIT HANOUN SUBMITS FINAL REPORT

At its third special session, held on 15 November 2006, the Human Rights Council adopted resolution S-3/1, in which it called for a high-level fact-finding mission to travel to Beit Hanoun in Gaza, following Israeli military operations carried out there around 8 November 2006. The President of the Council appointed Archbishop Desmond Tutu of South Africa and Professor Christine Chinkin of the United Kingdom to undertake the mission. On 1 September 2008, the mission submitted its final report, following its field visit to Beit Hanoun in May 2008 (A/HRC/9/26), the conclusions and recommendations of which are reproduced below (for the interim mission report, see A/HRC/5/20).

...

72. The mission expresses its sympathy to all victims of the shelling on 8 November 2006 of Beit Hanoun. The attack took lives,

inflicted horrendous physical and mental injuries, tore families apart, destroyed homes, took away livelihoods and traumatized a population. Its aftermath compounded those ills. The courage of the

victims in the face of continuing hardship deserves our admiration. Their recovery is not aided by continuing incursions into Beit Hanoun including on the night after the mission's visit to the town.

73. The mission again expresses its regret that the Government of Israel decided to withhold any cooperation with the mission. Israel feels that the mandate of the mission is biased against it. That is a matter for the Council. The mission has, however, gone to great lengths to execute its mandate in as balanced a way as possible. The effective ban on its visiting Israel and meeting with Israeli actors (including victims of Kassam rocket attacks in southern Israel) has itself been an obstacle to the balance that Israel seeks. The mission expresses its sympathy to all those affected by the Kassam rocket attacks in southern Israel.

74. The bombing of Beit Hanoun and its aftermath came in the wider context of the conflict in the occupied Palestinian territories and Israel. The occupation remains the root cause of the bleak situation that the mission only briefly sketches in the present report. The cessation of hostilities between Israel and Palestinian militants in June 2008 was a positive development. The mission reiterates that the process towards peace must operate within a framework of international law and be guided by respect for the Charter of the United Nations, international human rights law and international humanitarian law. The mission draws the attention of all parties to the conflict to Security Council resolution 1325 (2000) requiring attention to the special needs of women in the aftermath of conflict and urging women's participation in conflict resolution and sustainable peace.

75. The violence in Gaza and southern Israel has led to countless violations of international human rights and international humanitarian law. This lack of respect on both sides for the rules of conflict not only leads to incidents such as that in Beit Hanoun, but also undermines respect for the laws of war and human rights in other conflicts. The people of Gaza must be afforded protection in compliance with international law and, above all, the Fourth Geneva Convention. The Israeli military must place at the centre of its decision-making and activities in the occupied Palestinian territories the consequences of the use of force on civilians. In the absence of a well-founded explanation from the Israeli military (who is in sole possession of the relevant facts), the mission must conclude that there is a possibility that the shelling of Beit Hanoun constituted a war crime as defined in the Rome Statute of the International Criminal Court. Similarly, as the mission made clear to Hamas at the highest level, the firing of rockets on the civilian population in Israel must stop. Those in positions of authority in Gaza have not only an international humanitarian law obligation to respect international humanitarian law norms relating to the protection of civilians, but also a responsibility to ensure that these norms are respected by others.

76. One victim of the Beit Hanoun shelling was the rule of law. There has been no accountability for an act that killed 19 people and injured many more. The Israeli response of a largely secret internal military investigation is absolutely unacceptable from both legal and moral points of view. The mission notes that Israel has adopted a similar response to other killings by its

military, with similar results. The mission repeats its position that, regardless of whether the casualties at Beit Hanoun were caused by a mistake, recklessness, criminal negligence or wilful conduct, those responsible must be held accountable. It is not too late for an independent, impartial and transparent investigation of the shelling to be held; indeed, the mission notes other instances in which the courts have ordered the Israeli military to open investigations into the killings of civilians by the military. The mission welcomes this intervention by the courts. Justice cannot wait for peace to be secured. Rather, no credible, lasting peace can be built upon impunity and injustice.

77. As the mission has repeatedly stressed (including to representatives of Hamas), those firing rockets on Israeli civilians are no less accountable than the Israeli military for their actions (A/HRC/5/20, para. 19).

78. Accountability involves providing a remedy and redress for victims. To date, neither has been forthcoming from Israel, despite its admission of responsibility for the attack. The very clear message from the victims and survivors to the mission and to the Council is that they seek justice before anything else. The present report outlines some of the obstacles put in the way of victims seeking justice. While the mission calls on Israel to remove these obstacles, it is of the view that victims should not be forced to fight for compensation through Israeli courts when all accept that damage was inflicted on individuals by the State. The mission recommends that the State of Israel pay victims adequate compensation without delay. In the light of the magnitude of the attack on a small community, and in addition to compensation to individuals, the mission also recommends that Israel make

reparation to the community of Beit Hanoun in the form of a memorial to the victims that constitutes a response to the needs of survivors. Possibilities include a health facility such as a much-needed physiotherapy clinic.

79. The situation of victims and survivors of the shelling, as witnessed by the mission, remains grim. Israel, Hamas and the Palestinian Authority have human rights obligations towards the victims. Most of the ongoing violations, however, are caused by Israeli action or inaction. The mission calls on Israel to honour its obligations to the people of Beit Hanoun, and more generally to the people of occupied Gaza, to respect, protect and fulfil their human rights. A major barrier to the enjoyment of human rights is the ongoing blockade that limits individuals' ability to provide an adequate standard of living for themselves and their families and the capacity of local authorities to provide essential services for the population. A central need of victims is access to health services. Israel must desist from obstructing victims' access to health-care services, be it through restricting the flow of medical goods and personnel into Gaza, or through restricting victims' ability to leave Gaza to seek health care elsewhere.

80. The Council asked the mission to make recommendations on ways and means to protect Palestinian civilians against any further Israeli assaults. Specific recommendations in this regard were made in the mission's previous report, recommendations that the mission reiterates. In the mission's view, one of the most effective and immediate means of protecting Palestinian civilians against any further Israeli assaults is to insist on respect for the rule of law and accountability. We have seen that even the flawed Israeli investigation

into the Beit Hanoun shelling resulted in a decision to discontinue use of artillery in Gaza, one of the main causes of civilian death and injury in the territory. The knowledge that their actions will be scrutinized by an independent authority would be a powerful deterrent to members of the Israeli military against taking risks with civilian lives.

81. During a press conference at the conclusion of its visit to Gaza, the mission indicated that the international community is failing to fulfil its role in respect of the suffering of the people of Gaza, in particular in its silence which begets complicity. In its efforts to discharge its mandate, the mission

witnessed positions based on political objectives rather than on principle by all relevant parties. Addressing human rights violations suffered by individuals in Israel and in the occupied Palestinian territories must be the prime motivating force for members of the Council and others with influence in the region.

82. Finally, the mission expresses its thanks to all those who facilitated its visit to Beit Hanoun, in particular the Government of Egypt and UNRWA. It also expresses its thanks and deep admiration to those working with the people of Gaza, specifically non-governmental organizations, human rights defenders and the United Nations.

III. SECURITY COUNCIL HEARS BRIEFING ON THE SITUATION IN THE MIDDLE EAST, INCLUDING THE PALESTINIAN QUESTION

On 18 September 2008, the Security Council heard a briefing by the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, Roberterry, on the situation in the Middle East, including the Palestinian question, of which excerpts are reproduced below. For the verbatim record of the meeting, see S/PV.5974.

Ten months after negotiations were relaunched at Annapolis, and with just over three months left until the end of the year, the Middle East peace process stands at a crossroads. While there are some positive developments, there are also several factors that cause concern. The important period ahead must see decisive advances towards peace.

Bilateral negotiations between Israel and the Palestine Liberation Organization have continued. Israeli Foreign Minister Livni and Palestinian Chief Negotiator Qureia met in the presence of Secretary of State Rice on 26 August. President Abbas and Prime Minister Olmert met on 31 August and again on 16 September, in

advance of Prime Minister Olmert's anticipated departure from office. It appears so far that no agreement has been reached on the core issues. However, it also appears that there have been substantive discussions, whose potential must be built upon through a continuation of intensive negotiations.

Yesterday, members of the Kadima party elected as their new leader current Foreign Minister Livni, who has announced her intention to form a new Israeli Government. We look to an urgent continuation of the negotiations and for all parties to honour their Annapolis and road map commitments.

Notwithstanding the prevailing uncertainties surrounding the political process, the largely unsung success story is the gradual but systematic process of Palestinian self-empowerment that has taken place in the West Bank under the leadership of President Abbas and Prime Minister Fayyad. Those Palestinian efforts are incomplete and imperfect, and they face many obstacles, but they are real. They reflect a determination to build the institutions of a future Palestinian State despite the unresolved conflict.

The Palestinian Authority continues to make real strides in the implementation of its security plan. This includes action against militants in accordance with obligations under phase I of the road map. For example, I visited Nablus at the end of August and saw how stability and a degree of normality have returned to the city. Several militant groups have disbanded, and armed men have left the streets. Smuggling has been severely curtailed. Law and order has returned, and with it the beginnings of a resurgence of economic life. That pattern is also apparent in many other cities and towns that the Palestinian Authority administers in the West Bank.

During the reporting period, for example, Palestinian Authority police raids near Hebron led to the arrest of 55 Palestinians on charges of drug and weapons smuggling, and Prime Minister Fayyad has informed me that further improving the security conditions in Hebron is a high priority for his Government. Donors are demonstrating their support for the Authority's efforts: this month, a joint agreement was concluded between Germany and the Palestinian Authority to establish 55 new police stations in the West Bank.

In pursuing its reform and development plan, the Palestinian Authority has also made notable gains in other areas, including public finance and the initiation of microfinance projects. Budget and planning procedures are being further integrated. Those efforts will be highlighted when the Ad Hoc Liaison Committee meets on 22 September here in New York. Significant hurdles remain, however. Reports by the World Bank and the International Monetary Fund describe a stagnant economic climate as a result of continued restrictions on movement and access.

The Palestinian Authority also faces a looming liquidity crisis, with neither enough funds nor enough borrowing capacity to pay salaries unless additional budget support is secured in October. Despite recent transfers of donor funds, the previously reported fiscal gap of about \$400 million for the last quarter of 2008 persists. We therefore urge donors that have yet to fulfil their pledges to do so urgently.

A reflection of improved security is that the casualty rate from violent clashes this past month is one of the lowest in recent years. There were, however, several clashes, leaving two Palestinians, including one child, dead and 128 Palestinians injured, 84 of them children, in addition to 11 Israelis injured during the reporting period, including one child. Thirty per cent of the Palestinian injuries occurred from tear gas and rubber-coated metal bullets fired during anti-barrier protests in Ni'lin and Bil'in villages.

I am pleased to note that the Government of Israel released 198 Palestinian prisoners on 25 August as a goodwill gesture to President Abbas prior to

the start of Ramadan. The Israel Defense Forces (IDF) dismantled a manned checkpoint in the central West Bank, thereby allowing over 40,000 Palestinians living in an enclave surrounded by the barrier to travel to and from Ramallah without delay.

However, over 600 obstacles to movement remain across the West Bank, together with a weekly average of 65 random so-called flying checkpoints. The action taken to ease closure to date is not enough to enable the Palestinian Authority's security and economic efforts. On his recent visit to the region, Quartet representative Blair highlighted the need for checkpoints to work effectively, ahead of their eventual removal, and it is clear that insufficient progress had been made in that regard. In an illustration of the problems that persist at checkpoints, a baby was stillborn at a checkpoint on 4 September. Her mother, who was in premature labour, had been kept waiting for over an hour by IDF soldiers whilst trying to reach a hospital in Nablus.

Settler violence intensified this month, with a gang of armed Israeli settlers from the settlement of Yitzhar attacking a Palestinian village on 13 September, firing at residents and destroying and vandalizing property and agricultural land. We note the Israeli Government's condemnation of that lawless violence, which cannot be justified by the earlier attack in the settlement by a Palestinian man, which left an Israeli child injured. However, credible action to bring perpetrators of such crimes to justice has been lacking and is essential.

Settlement activity continues to take place across the West Bank and East Jerusalem. Construction is ongoing in the majority of approximately 120 settlements

on both sides of the barrier. A further tender was announced on 7 September for 32 more units in Betar Illit in the Gush Etzion bloc adjacent to Bethlehem. Today, Israeli security forces reportedly evacuated settlers from the settlement outpost of Yad Ya'ir in the West Bank.

The Secretary-General has repeatedly stated that all settlement activity in the occupied Palestinian territory, including East Jerusalem, is contrary to the Fourth Geneva Convention and Israel's commitments under the road map and the Annapolis process. His repeated calls, and those of the Quartet as a whole, have not brought about significant action. Rectifying that unacceptable situation should be the urgent priority of any new Israeli Government.

Palestinian institutions in East Jerusalem remain closed by Israeli order, contrary to the road map. Barrier construction continued around East Jerusalem and within the West Bank, in deviation from the Green Line and contrary to the advisory opinion of the International Court of Justice.

The Secretary-General is also closely monitoring developments concerning the site of the Mughrabi Gate in the Old City of Jerusalem and encourages all parties to cooperate in the ongoing process, under the auspices of UNESCO, and to refrain from any unilateral measures.

I now turn to the situation in Gaza, where the United Nations continues its efforts to address the complex humanitarian, human rights, political and security factors underlying the ongoing crisis.

The one area where there is positive news is security. The ceasefire has continued to hold during the reporting period. Hamas has made efforts to prevent the launching of rockets and mortars into Israel and, during the reporting period, two rockets and one mortar were launched. No IDF incursion or air strike was reported during this period; the IDF has responded to isolated rocket fire by closing crossings for a period. One Palestinian was injured by IDF fire in southern Gaza.

On all other fronts, there is little positive to report. The humanitarian situation is extremely grim, given continued closure. The Rafah crossing was open for two days at the end of August, and patients and businessmen with permits are allowed through Erez crossing. Otherwise, movement into and out of the Strip remains largely restricted. During the reporting period, imports decreased by 21 per cent compared with the previous four weeks. Whilst the amount of truckloads carrying cement almost doubled, it still represents a small percentage of market demand. The import of all types of fuel remains below previous levels, particularly for diesel and petrol, which disrupts the provision of basic services, such as electricity and water.

United Nations priority projects in Gaza - a subject which the Secretary-General has raised with Prime Minister Olmert - remain stalled as a result of the shortage of materials, in particular cement, in the Strip. Other vital commodities, such as spare parts needed for the maintenance of the public health and water infrastructure sectors, raw industrial materials, furniture, electronics and school uniforms, have been allowed into Gaza in very limited quantities. The shortage of raw materials, combined with the total ban on exports, has kept more

than 95 per cent of Gaza's local industry closed. We continue to support all efforts to bring about the controlled opening of the crossings through the presence of the Palestinian Authority.

Hamas' actions are compounding the problems facing Gazans, increasingly divorcing Palestinian institutions from the Palestinian Authority itself and interrupting basic service delivery. Following Hamas decisions to replace head and deputy head teachers with Hamas-affiliated staff and to reallocate thousands of teachers to new schools, a teachers' strike has led to major disruptions in the education sector since the start. Hamas' actions are compounding the problems facing Gazans, increasingly divorcing Palestinian institutions from the Palestinian Authority itself and interrupting basic service delivery. Following Hamas decisions to replace head and deputy head teachers with Hamas-affiliated staff and to reallocate thousands of teachers to new schools, a teachers' strike has led to major disruptions in the education sector since the start of the new academic year on 24 August. On 30 August, health workers joined the strike after the dismissal of a number of employees in that sector, forcing hospitals to postpone elective surgery and many health centres to close or suspend services. There are reports of Hamas marching doctors to their hospitals at gunpoint to ensure continuity of critical services. Despite the active efforts of my office to resolve this crisis for the welfare of the population, Hamas' unwillingness so far to restore the status quo ante is blocking a resolution.

Palestinian interfactional violence during the reporting period resulted in the death of 14 people, including two children, and the injury of another 52. Most of the

casualties occurred on 15 and 16 September in Gaza City during armed clashes between security forces and militants affiliated with the Hamas authorities and members of one armed clan, after a member of the clan was held responsible for the killing of a Hamas policeman.

It is clear that the only way to begin addressing the overall crisis, and indeed to lay the basis for a two-State solution, is for Gaza to be peacefully reunited with the West Bank within the framework of the legitimate Palestinian Authority and in a manner which allows the peace process to advance. In that context, Egypt has started a consultation process with each of the Palestinian factions to formulate a proposal that could serve as a common national platform, and Egypt's efforts were strongly supported at the Foreign Ministers' meeting held in Cairo by the League of Arab States on 9 September. The United Nations strongly welcomes and supports that important initiative.

We also continue to support Egypt's efforts to secure the release of Israeli Corporal Gilad Shalit, now in his twenty-fifth month of captivity, and a number of Palestinian prisoners, on which no progress has been reported.

...

Looking ahead, in the coming days, a number of important meetings hosted by the Secretary-General will take place to review the peace process and chart the way ahead: the Ad Hoc Liaison Committee will meet next Monday and the Quartet will meet on 26 September; Quartet members will also attend an *iftar* with Arab partners. The Secretary-General will be doing all he can to ensure that those meetings consolidate the gains made and address areas where more must be done - in terms of the Israeli-Palestinian negotiations themselves, efforts to achieve Palestinian reconciliation, the all-important situation on the ground in both the West Bank and Gaza and the broader regional picture. We must continue to strive for agreement on all core issues in accordance with the agreed time frame of Annapolis. Based on that framework and on the decisions taken at the last Quartet meeting, in May, the Quartet will discuss the way ahead and next steps in international support for the process when it meets next week.

The Secretary-General will continue to work to secure the implementation of international law and Security Council resolutions in order to achieve the vision of two States living side by side in peace and security, and a just and lasting comprehensive regional peace in the Middle East.

IV. SECRETARY-GENERAL ISSUES REPORT ON THE PEACEFUL SETTLEMENT OF THE QUESTION OF PALESTINE

The report of the Secretary-General (A/63/368-S/2008/612), dated 22 September 2008, was submitted in accordance with General Assembly resolution 62/83 of 10 December 2007 and covers the period from September 2007 to September 2008. The observations of the Secretary-General on the current state of the Israeli-Palestinian conflict and on international efforts to move the peace process forward are reproduced below:

...

5. During the reporting period, new hope for the achievement of a peaceful settlement of the question of Palestine emerged, with the launch of the Annapolis process and regular bilateral negotiations between Israel and the Palestinians. At the same time, the situation on the ground in Israel and the occupied Palestinian territory, including East Jerusalem, remained difficult and hampered political efforts to achieve the vision of two States living side by side in peace and security. In the Gaza Strip, in particular, prolonged violence and a deepening humanitarian crisis prevailed.

6. The Annapolis conference, hosted by the United States on 27 November 2007 with the participation of all major parties, provided a new impetus to the search for a just, lasting and comprehensive settlement of the question of Palestine. Ehud Olmert, the Prime Minister of Israel, and Mahmoud Abbas, President of the Palestinian Authority, presented a joint understanding, agreeing to immediately launch good-faith bilateral negotiations in order to conclude a peace treaty, resolving all outstanding issues, before the end of 2008. The two leaders also committed themselves to implementing their respective obligations under the road map and agreed to form a trilateral mechanism, led by the United States, to follow up on implementation.

7. Bilateral negotiations between Israeli and Palestinian negotiating teams, led by Tzipi Livni, the Minister for Foreign Affairs of Israel, and Ahmed Qureia, the Palestinian Chief Negotiator, have taken place on a regular basis, with confidentiality maintained about the substance of those talks. Technical teams have also met in

support of the bilateral talks. Prime Minister Olmert and President Abbas have also continued to meet on a regular basis.

8. I welcome the diplomatic efforts exerted by the parties. I would also like to commend the United States for taking the initiative to convene the Annapolis conference. The international community has come together in support of the bilateral negotiations conducted by Israel and the Palestinians. The Quartet has been reinvigorated, and I was glad to take part in its meetings in New York in September 2007, in Washington, D.C., on 26 November 2007, on the eve of the Annapolis conference, in Paris on 17 December 2007, in London on 2 May 2008 and in Berlin on 24 June 2008.

9. I also welcome and commend the efforts of the League of Arab States and several Arab countries to advance regional efforts for peace in recent months. The League of Arab States, at its annual summit in Damascus on 29 and 30 March, expressed concern over developments on the ground, but reaffirmed the Arab Peace Initiative, which remains a central element in the search for a peaceful settlement of the question of Palestine.

10. The United Nations has remained engaged at a political level. The Secretariat has provided monthly briefings to the Security Council on developments in the Middle East, as well as whenever the situation on the ground demanded that the Council be kept urgently apprised, as was the case several times during the reporting period. I have continued to take part in the meetings of a reinvigorated Quartet, and I now look forward to the meeting of the Quartet I am hosting in New York in the

margins of the general debate, in conjunction also with a meeting of the Ad Hoc Liaison Committee and consultations with our Arab partners.

11. Regrettably, violence between Israelis and Palestinians, as well as among Palestinians, continued during the reporting period. Altogether, between 1 September 2007 and 19 August 2008, 35 Israelis, including four children, and 600 Palestinians, including 87 children, lost their lives in conflict-related incidents.

12. Road map implementation saw some arguable progress during the reporting period. I am pleased to note that the Palestinian Authority, under the leadership of Prime Minister Salam Fayyad, has made significant strides towards imposing law and order, including disarming and arresting militants, in the reporting period. Palestinian security forces have redeployed in Jenin and Nablus, including personnel trained and equipped in Jordan with the assistance of the United States Security Coordinator, and Palestinian security operations are also taking place elsewhere in the West Bank. On 24 June 2008, the international community offered support to the further development of the Palestinian security sector and judiciary at the Berlin conference in support of Palestinian civil security and the rule of law, convened by Germany. The Quartet voiced its support for the outcomes of the meeting and called for speedy implementation of projects agreed and robust donor support in order to build the capacity of the Palestinian police and justice sector. The Quartet also urged Israeli-Palestinian cooperation in that respect, and emphasized the importance of unobstructed delivery of security assistance to the Palestinian Authority. In this regard, I am glad to note Israel's facilitation of the

reopening of 12 Palestinian police stations in the West Bank in recent months. I regret, however, that Israel Defense Force incursions into West Bank cities and towns have continued on a regular basis.

13. Violence continued to occur in Israel. A suicide bombing took place in the Israeli city of Dimona on 4 February 2008. I condemned this terrorist attack targeting civilians. I also strongly condemned the attack that claimed eight lives at a Jewish seminary in Jerusalem on 6 March 2008. I further condemned the attacks utilizing bulldozers in Jerusalem on 2 and 22 July 2008.

14. I also deplore the continued expansion of settlements in the West Bank by the Government of Israel, which negatively impacts the ongoing bilateral political process. Continued settlement activity in the West Bank, including East Jerusalem, stands in contradiction to international law, Security Council resolutions, the Fourth Geneva Convention, Israel's obligations under the road map and its commitments under the Annapolis process. I have called upon Israel to freeze all settlement activity, including "natural growth", to dismantle all outposts erected since March 2001, and to reopen Palestinian institutions in East Jerusalem, and have emphasized that a halt to settlement expansion is a necessity for the creation of a contiguous and viable Palestinian State.

15. Construction work on the barrier also continued within occupied Palestinian territory, in deviation from the Green Line and contrary to the International Court of Justice advisory opinion of 9 July 2004. I continue to note with concern that the route of the barrier results in the confiscation of Palestinian land and the isolation of

Palestinian communities and agricultural areas. In accordance with the provisions of General Assembly resolution ES-10/17, I have continued efforts to establish the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory, with the constitution and assumption of operations of the Office of the Register of Damage at the United Nations Office at Vienna and the first meeting of the members of its Board.

16. On 17 December 2007, a significant donor meeting was held in Paris in support of the Annapolis process and with the aim of securing financial support for the Palestinian Authority over the next three years. Donors commended the Palestinian Reform and Development Plan presented by Prime Minister Fayyad and pledged \$7.7 billion in assistance. Two new financing mechanisms were launched in 2008 to support the implementation of the Plan, namely the World Bank trust fund and the European Commission's Palestinian European Aid Mechanism.

17. The Government of Prime Minister Fayyad also undertook significant measures of economic and fiscal reform, successfully containing the Palestinian Authority's wage bill and reactivating the budget process. On 2 May, the Ad Hoc Liaison Committee met in London to assess progress in Palestinian institutional and economic development since its previous meeting in September 2007. The donor community responded to Palestinian reform efforts and generously supported the Palestinian Authority with over \$1.1 billion in budget support from the beginning of 2008 until August. However, the Authority still faced renewed budgetary shortfalls. I have called upon those donors who have not yet fulfilled their pledges from

the Paris donor conference to provide budget support to fill a gap of \$400 million for the period from August to December 2008.

18. From 21 to 23 May 2008, the Palestine investment conference convened by Prime Minister Fayyad took place in Bethlehem. Hundreds of foreign representatives and Palestinian businesses, including from Gaza, attended. Prime Minister Fayyad announced that investors pledged \$1.4 billion for Palestinian business projects. Earlier the same month, on 13 May, Tony Blair, the Quartet Representative, had announced a package of measures to stimulate economic development, ease movement and access restrictions, develop the 60 per cent of the West Bank in Area C and build Palestinian security capability. Quartet Representative Blair continues to follow up on his plan.

19. Unfortunately, the Government of Israel did not significantly relax the closure regime in the West Bank. The Office for the Coordination of Humanitarian Affairs reported that the number of Israeli-imposed obstacles to Palestinian movement in the West Bank grew from 532 in August 2007 to 608 as of 18 August 2008, with negative political and economic implications.

20. Palestinian economic growth was flat and the economy continued to hollow out. This put the Palestinian Authority on the path of increasing aid dependency. While the economy stagnates and the population grows, per capita income continues to fall. The International Monetary Fund estimated that real gross domestic product growth in 2007 was only about 0.5 per cent. Results from the first quarter of 2008 suggest that growth was slightly negative. Unemployment remained high in the West Bank and Gaza.

21. Following the takeover of the Gaza Strip by Hamas in June 2007, the launching of rockets and mortars from Gaza against Israeli civilian targets intensified. I condemn the indiscriminate rocket and mortar firing from the Gaza Strip towards Israeli civilian population centres and against crossing points, which is totally unacceptable and has detrimental effects on humanitarian conditions.

22. The Government of Israel declared the Gaza Strip an enemy entity on 19 September 2007 and imposed a stringent closure regime, halting all exports from Gaza and severely restricting imports, including electricity and fuel. I called upon Israel to reconsider and cease its policy of pressuring the civilian population of Gaza for the unacceptable actions of Hamas and other militants.

23. In response to the rocket fire against Israeli civilian targets, Israel launched military incursions into the Gaza Strip and targeted militants with air strikes, often causing civilian casualties. I called for the strict observance of international humanitarian law by Israel and its armed forces. While cognizant of Israel's security concerns and of its assertion that in using military force it does not target civilians and takes care to avoid civilian casualties, I emphasized that Israel is obliged not to take disproportionate measures or to endanger civilians, and must thoroughly investigate incidents leading to civilian casualties and ensure adequate accountability.

24. Following several Israeli military incursions and heavy fighting in Gaza during the month of January, as well as the imposition of a four-day comprehensive closure on 23 January, Palestinian militants

destroyed entire sections of the border fence with Egypt. Hundreds of thousands of Gazans crossed the border and purchased food, medicine and other supplies. The border was resealed six days later.

25. In February 2008, after the firing of rockets and mortar on Israel included the launch, for the first time, of longer-range rockets against Ashkelon, the situation escalated again. The Israel Defense Force operation named Hot Winter, beginning on 29 February, lasted five days and caused dozens of civilian casualties, including the deaths of 31 children, while Hamas rocket attacks, with increased capability, threatened nearly a quarter of a million Israelis. In subsequent months, rocket and mortar fire continued, and a number of attacks also targeted crossings between Israel and Gaza.

26. The violence, as well as the humanitarian distress the civilian population of the Gaza Strip endured as a result of Israel's closure policy, convinced me that a new and more constructive strategy on Gaza was required. I called for such an approach, emphasizing, in particular, the need to end the violence and reopen the Gaza crossings in a sustained manner. The Quartet endorsed my call in its meeting in London on 2 May, strongly encouraging Israel, the Palestinian Authority and Egypt to work together to formulate a new approach on Gaza that would provide security to all Gazans, end all acts of terror, provide for the controlled and sustained opening of the Gaza crossings for humanitarian reasons and commercial flows, support the legitimate Palestinian Authority Government and work towards conditions that would permit implementation of the 2005 Agreement on Movement and Access.

27. Egyptian efforts led to the agreement of a ceasefire between Israel and Hamas, which entered into effect on 19 June and has largely held since. I welcomed the ceasefire. Building on the ceasefire, Egypt has continued its efforts to reach an agreement to exchange the captured Israeli soldier, Gilad Shalit, for a number of Palestinian prisoners currently held by Israel. I repeatedly expressed my dismay at the fact that the International Committee of the Red Cross was not provided with access to Corporal Shalit, in contravention of international humanitarian law, after more than two years of captivity.

28. The situation in the Gaza Strip during the reporting period was characterized by prolonged humanitarian crisis. The Gaza crossings remained largely closed, except for imports to meet minimal humanitarian needs. Israel also instituted restrictions on the supply of fuel, with broad socio-economic effects, including extensive electricity cuts. While humanitarian assistance continued to enter Gaza, most of Gaza's industrial capacity was suspended and more than 70,000 workers were laid off. About 76 per cent of the population in Gaza became reliant on assistance from the United Nations. United Nations agencies were also severely affected and had to prioritize projects. Following the entering into effect of the ceasefire between Israel and Hamas, there has been some improvement in humanitarian conditions.

29. Gaza also witnessed the consolidation of Hamas's rule, with institutions increasingly falling under the direct control of Hamas. Factional violence occurred, and in November 2007, internecine fighting left 18 people dead. Renewed bloody clashes between Hamas and Fatah loyalists left 11 Palestinians dead in August 2008, and

nearly 200 Palestinians sought refuge in Israel before being returned to Gaza or transferred to West Bank cities. Overall, between 1 September 2007 and 19 August 2008, 136 Palestinians were killed in internal violence.

30. I would stress that the Palestinian Authority remains the sole legitimate authority and that Gaza and the West Bank comprise one single Palestinian territory. Dialogue for the purpose of making progress towards the reunification of Gaza and the West Bank within the framework of the legitimate Palestinian Authority is vital to sustain the efforts to revitalize the peace process. Accordingly, I welcomed President Abbas's statement of 5 June 2008, during which he called for the holding of a comprehensive national dialogue in order to implement the initiative on Palestinian reunification taken by the President of Yemen and endorsed by the Foreign Minister of the League of Arab States in March 2008.

31. In Israel, the Government also faced difficulties throughout the reporting period. Prime Minister Olmert's resignation on 21 September 2008 opened up the prospect of the new head of the *Kadima* party, Foreign Minister Livni, taking over the premiership and forming a new Government, or of new elections, with possible effects on the peace talks.

32. I regret that Palestinian and international United Nations staff members have faced growing restrictions as concerns their free movement and access in the service of the United Nations. I have discussed these restrictions with the Government of Israel and look forward to improvements in this regard. In Gaza, the United Nations Relief and Works Agency

(UNRWA) and other United Nations agencies face significant challenges to their operations. The security and humanitarian situation in the Gaza Strip has made their work both more important and more difficult.

33. In this challenging context, I want to praise the courage and dedication of the United Nations personnel serving in the Occupied Palestinian Territory. I wish to express my deep appreciation to Robert H. Serry, the Special Coordinator for the Middle East Peace Process and my Personal Representative to the Palestinian Liberation Organization and the Palestinian Authority, to the staff of his Office, as well as to the Commissioner-General of UNRWA, Karen Koning AbuZayd, and the staff of the Agency and all other United Nations agencies, funds and programmes, who continue to provide indispensable and remarkable service in the Occupied Palestinian Territory.

34. Over the past year, there have been important steps towards a peaceful settlement of the question of Palestine, and I call upon the Government of Israel and the Palestinian Authority to undertake every effort to achieve the goal of the Annapolis process. Time is now running short until we reach the benchmark of the Annapolis process, and there reportedly remain significant gaps. Should the parties not be able to reach a peace agreement by the end of the year, it will be essential that the process not be disrupted and instead continues, with the aim of leading to the

long overdue peaceful settlement of the question of Palestine as early as possible.

35. The situation on the ground, both in Gaza and in the West Bank, including East Jerusalem, has deteriorated in many instances. Much more needs to be done to build the necessary foundations for a successful political process and for the eventual and sustainable implementation of any agreement reached. Settlement activity needs to stop completely, and movement and access restrictions need to be lifted. The Palestinian Authority needs to make further progress to impose law and order.

36. The question of Gaza remains critical. I am glad that the ceasefire in effect since June 2008 has held so far. At the same time, I am acutely conscious that the ceasefire is by definition a temporary arrangement that needs to lead to further steps: a reopening of the Gaza crossings, the release of Corporal Gilad Shalit, and dialogue for the purpose of the reunification of the West Bank and Gaza Strip within the framework of the legitimate Palestinian Authority.

37. The United Nations will continue to work towards the creation of an independent, democratic, contiguous and viable Palestinian State living side-by-side in peace with a secure Israel, in the framework of a comprehensive regional settlement, consistent with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), and in accordance with the road map, the Arab Peace Initiative and the principle of land for peace.

V. HUMAN RIGHTS COUNCIL ADOPTS RESOLUTION ON EVENTS IN BEIT HANOUN

On 24 September 2008, during its ninth regular session, the Human Rights Council adopted, by 32 votes to 9, with 5 abstentions, resolution 9/18 on the follow-up to resolution S-3/1 regarding the human rights violations caused by the Israeli military incursion and shelling of Beit Hanoun.

Resolution 9/18.

Follow-up to resolution S-3/1: human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun

The Human Rights Council,

Recalling its resolution S-3/1 of 15 November 2006, in which the Council decided to dispatch urgently a high-level fact-finding mission, to be appointed by the President of the Human Rights Council, to travel to Beit Hanoun to, inter alia, assess the situation of victims, address the needs of survivors, and make recommendations on ways and means to protect Palestinian civilians against any further Israeli assaults,

1. *Welcomes* the report of the high-level fact-finding mission on Beit Hanoun (A/HRC/9/26);

2. *Calls upon* all concerned parties to ensure their full and immediate

implementation of the recommendations of the fact-finding mission contained in its report;

3. *Recommends* that the General Assembly consider the report with the participation of the members of the mission;

4. *Regrets* the delay in the fulfilment of the mission owing to the non-cooperation of Israel, the occupying Power;

5. *Calls upon* Israel, the occupying Power, to abide by its obligations under international law, international humanitarian law and international human rights law;

6. *Requests* the Secretary-General to report to the Council at its next session on the implementation of the recommendations contained in the report of the mission;

7. *Decides* to remain seized of the matter.

VI. AD HOC LIAISON COMMITTEE MEETS IN NEW YORK

Ministers and senior officials of the Ad Hoc Liaison Committee of donors, including the Quartet principals, met at United Nations Headquarters on 22 September 2008. The meeting, chaired by the Foreign Minister of Norway, Jonas Gahr Støre, was hosted by the Secretary-General, Ban Ki-moon. Following is the text of the Secretary-General's opening remarks (SG/SM/11802-PAL/2101):

Welcome to United Nations Headquarters for this meeting of the Ad Hoc Liaison Committee.

I particularly welcome Prime Minister [Salam] Fayyad, whose leadership of the Palestinian Authority for over a year now has driven a far-reaching effort in Palestinian reform and self-empowerment, despite conditions of great adversity.

I also thank Director-General of the Israeli Foreign Ministry Aharon Abramovitch for attending, and for Israel's continued commitment to this process.

And I am glad that there are so many representatives here today to underline their resolve to succeed in reaching our common goal - building an independent, viable and democratic Palestinian State, to live side-by-side in peace and security with Israel.

A Palestinian State can only come into being with an end to occupation and an end to conflict.

That is why the ongoing political process launched at Annapolis must continue, on which the Quartet will meet later this week, and I'm glad to see all Quartet principals and Quartet Representative Tony Blair.

But as Prime Minister Fayyad has said to many of us, the Palestinian Authority is determined to build the institutions of a Palestinian State despite the unresolved conflict.

Since AHLC last met in May, the Palestinian Authority has made major strides in public financial management and security.

Donors have shown their commitment by contributing over \$1.2 billion in budget support this year.

Israel has removed certain obstacles in the West Bank, and there have been some moves forward in implementing the package negotiated by Quartet Representative Tony Blair in May.

But this is not enough. More needs to happen.

At a time when the Palestinian Authority's security performance has significantly improved and is delivering real results, when donors and investors are ready to do more and when the political process is at such a delicate stage, an easing of closure to enable the Palestinian economy to grow is indispensable.

This, combined with a genuine settlement freeze and continued Palestinian efforts in the realm of security, both in accordance with the Road Map, is vital if the weight of the occupation is to begin to be lifted.

We cannot move to end the conflict and empower the Palestinian Authority while the reality on the ground remains unaltered.

The Palestinian Authority also faces another budget crisis.

More predictable donor commitment is needed or civil servant salaries may not be able to be paid from the end of October, and I appreciate the Norwegian Government's commitment for additional funds.

I also wish to encourage the Palestinian Authority to deepen its reform path, with continued action on security, and further attention to governance and social development issues.

Finally, I remind you all that the Quartet agreed earlier this year that a new strategy for Gaza was required.

Since then, a welcome ceasefire was attained, and has largely held.

But the underlying humanitarian, security and political issues remain unaddressed.

Without a significant rise in imports and the revival of the economy through

exports, the population in Gaza will continue to endure hardship and become increasingly aid dependent. Hamas' actions are compounding the problem, increasingly divorcing Palestinian institutions from the Palestinian Authority itself, and interrupting basic service delivery.

The only way we can hope to break these dynamics is through the peaceful reunification of Gaza with the West Bank. This must be done within the framework of the legitimate Palestinian Authority in a manner which allows the peace process to move forward.

I commend the commitment of President [Mahmoud] Abbas and Prime Minister Fayyad to this cause, and support the continuing efforts of the members of the Arab League, led by Egypt, to lay the groundwork for this effort.

It is clear that the road ahead will not be easy.

But we must all continue to show the determination necessary to keep working, day by day, on the agenda we share.

In that spirit, the UN will continue to do everything in its power to create and support those who work towards the goal of a better socio-economic environment for the Palestinian people, and to drive forward the process of building a Palestinian State.

On that note, I wish us all a day of positive discussions.

VII. QUARTET ISSUES STATEMENT

Following is the text of the Quartet statement that was issued after the meeting of the Quartet principals - representing the United States of America, the European Union, the Russian Federation and the United Nations - at United Nations Headquarters on 26 September 2008 (Release SG/2143).

Representatives of the Quartet - United Nations Secretary-General Ban Ki-moon, Russian Foreign Minister Sergey Lavrov, United States Secretary of State Condoleezza Rice, High Representative for Common Foreign and Security Policy of the European Union Javier Solana, European Commissioner for External Relations Benita Ferrero-Waldner and French Foreign Minister Bernard Kouchner - met today in New York to discuss the situation in the Middle East. They were joined by Quartet Representative Tony Blair.

The Quartet reaffirmed its support for the bilateral and comprehensive Israeli-Palestinian negotiations and commended the parties for their serious and continuous efforts since the Annapolis Conference. The Quartet recognized that a meaningful and results-oriented process is under way and called upon the parties to continue to make every effort to conclude an agreement before the end of 2008. It noted the significance of this process and the importance of confidentiality in order to preserve its integrity. The Quartet underlined its commitment to the irreversibility of the negotiations; to the creation of an independent, democratic and viable Palestinian State in the West Bank and Gaza, living in peace and security alongside Israel; and to an end to the conflict. The Quartet expressed its desire to see the continuation of the solid negotiating structure, involving substantive discussions

on all issues, including core issues without exception, in order to ensure the fulfilment

of the Annapolis goals. The Quartet reiterated its previous call for all Palestinians to commit themselves to non-violence, recognition of Israel and acceptance of previous agreements and obligations. Restoring Palestinian unity based on the Palestine Liberation Organization (PLO) commitments would be an important factor in this process.

The Quartet emphasized the need for a renewed focus on improvements in the situation on the ground and stated that visible and tangible progress must accompany the negotiations. The Quartet commended the Palestinian Authority for the encouraging results of its efforts to reform the security sector, to confront militias and terrorism, and to enforce the rule of law in areas subject to its security control. The Quartet commended recent measures by the Israeli Government to lift restrictions on access and movement, and encouraged further steps to ease conditions for Palestinian civilian life and the economy. The Quartet called on the parties to redouble their cooperative efforts on security to ensure that both Israelis and Palestinians live in peace and safety. In particular, the Quartet urged the parties to continue cooperation in order to expand the success observed in Jenin to other major centres in the West Bank, and called on the

international community, including regional partners, to support these efforts with targeted and coordinated assistance and through the continued efforts of Quartet Representative Blair. The Quartet called for speedy implementation of the outcome of the Berlin Conference and invited all donors to fulfil the pledges made at the Paris Conference, in line with the Palestinian Reform and Development Plan. It welcomed the 22 September statement of the Ad Hoc Liaison Committee and recalled the importance of equitable burden-sharing.

The Quartet discussed the status of the parties' obligations under the Road Map as an integral part of the Annapolis follow-up. The Quartet expressed deep concern about increasing settlement activity, which has a damaging impact on the negotiating environment and is an impediment to economic recovery, and called on Israel to freeze all settlement activity, including natural growth, and to dismantle outposts erected since March 2001. In this regard, the Quartet reiterated that the parties must avoid actions that undermine confidence and could prejudice the outcome of the negotiations. Quartet Principals condemned the recent rise in settler violence against Palestinian civilians, urging the enforcement of the rule of law without discrimination or exception. The Quartet also condemned acts of terrorism against Israelis, including any rocket attacks emanating from the Palestinian territories, and stressed the need for further Palestinian efforts to fight terrorism and dismantle the infrastructure of terror, as well as foster an atmosphere of tolerance.

The Quartet commended Egypt for its endeavour to overcome Palestinian divisions and to reunite Palestinians in the West Bank and Gaza under the legitimate Palestinian

Authority. The Quartet welcomed the continuing calm between Gaza and southern Israel, which has largely persisted for over three months, and expressed its hope that this calm will result in further relief for the civilian population of Gaza, including the regular opening of the crossings for both humanitarian and commercial flows, and sustained peace on Israel's southern border. The Quartet stated its expectation that movement of persons and goods will be normalized in the coming months, as foreseen in the Agreement on Movement and Access, and expressed its strong support for the immediate resumption of stalled United Nations and other donor projects in Gaza. This will facilitate economic activity, reduce dependence on humanitarian assistance, and restore links between Gaza and the West Bank. The Quartet welcomed the offer by the European Union to resume its monitoring mission at the Rafah crossing point. The Quartet called for the immediate and unconditional release of Israeli Corporal Gilad Shalit.

The Quartet welcomed efforts towards comprehensive regional peace and stability, including Turkey's facilitation of indirect Israeli-Syrian negotiations. It expressed hope for an intensification of these talks with the goal of achieving peace, in accordance with the Madrid terms of reference. The Quartet noted the importance of the Arab Peace Initiative as a major element in moving the process forward and reaffirmed its support for a just, lasting and comprehensive peace in the Middle East based on United Nations Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003).

The Quartet expressed its intention to work closely with the parties in the important period ahead. The Quartet agreed

that the spring of 2009 could be an appropriate time for an international meeting in Moscow.

The Quartet noted with appreciation the parties' suggestion to brief the Quartet on their ongoing negotiation process, with due regard for the confidential and bilateral

nature of the discussions. The Quartet expressed its interest in coordinating such a meeting for a mutually accepted time.

VIII. SECURITY COUNCIL HOLDS MEETING ON ISRAELI SETTLEMENTS

On 26 September 2008, the Security Council met in response to a letter dated 22 September 2008 from the Chargé d'affaires ad interim of the Permanent Mission of Saudi Arabia to the United Nations (S/2008/615) regarding the Arab League decision to request an urgent Security Council meeting at the ministerial level on Israeli settlement activities in the occupied Palestinian territory. Excerpts from the press release issued at the conclusion of the meeting (SC/9457) are reproduced below. For the verbatim record of the meeting, see document S/PV.5983.

...

Background

The Security Council met today to consider the situation in the Middle East, including the Palestinian question, at the request of the Permanent Mission of Saudi Arabia (document S/2008/615). It asked that the Council convene an urgent meeting at the ministerial level to address the issue of Israeli settlement activities in the occupied Palestinian territories.

Statements

Saud Al-Faisal, Minister for Foreign Affairs of Saudi Arabia, said that continued Israeli settlement activity threatened the Annapolis peace process and the application of international law in the Middle East. The absence of good faith and intransigence by Israel on the settlement issue compounded the already difficult Middle East problem. The settlements were changing the

demographics of the Palestinian territories and were clearly in contradiction to international agreements. They made it virtually impossible to establish a future Palestinian State or to convince Palestinians of the possibility of peace. Israel should cease all settlement activity immediately, including the issuance of permits.

He said that Arab States had made powerful pledges to come to a peace agreement, but they must question Israel's commitment to peace if it continued its settlement activity. Most Council members had issued unilateral statements opposing that activity, but it was time for a unified position on the issue, in order to save the peace process. The growing perception in the Arab world that there was a lack of seriousness on the Middle East peace process must be addressed. If nothing resulted from this meeting, he was determined to come back to the Council until there was action.

Amre Moussa, Secretary-General of the League of Arab States, said the situation in the occupied Arab territories had deteriorated because of the building of Israeli settlements. Two years ago, in September 2006, the members of the Arab League had come together with the goal of reviving the peace process. Meeting at the ministerial level, consensus had been recorded of reviving the peace process with the goal of establishing a viable Palestinian State on the West Bank and Gaza, with East Jerusalem as its capital. The occupation of Arab lands should be halted. That Arab initiative had led to reviving the peace process.

He said that Annapolis followed, with four objectives: establishment of a viable Palestinian State by the end of 2008; resumption of active negotiations between Israelis and Palestinians; a complete halt to settlement activities; and a comprehensive agreement that included all tracks, including the Syrian and Lebanese. Most of those objectives had not been attained, with only three months left in 2008. There was no evidence that a Palestinian State was within reach. Negotiations had produced no results, nothing had been approved and nothing was written. That confirmed the absence of political will on the Israeli side to accept the prospect of a viable Palestinian State on equal footing with Israel.

The continuation of that situation would have serious negative repercussions on the regional security and the prospects of an Israeli-Arab peace, he said. While the Palestinian and Israeli representatives were negotiating, the Israelis were building settlements and changing the landscape on the ground, rendering negotiations irrelevant. None of the commitments - the stopping of settlements, removal of outposts

and lifting of roadblocks - had been honoured.

He said he had come to the Council today to underline that the settlements practices had reached the point of quashing any hope of a viable Palestinian State - the territory was threatened by violent settlers, costing territorial integrity and social and economic viability. Settlements were completely illegal. Unfortunately, Israeli policy had been allowed to continue because of the immunity it received. The current situation could only unleash violence and promote hatred.

The Arab community of nations continued to abide by the terms of the Arab initiative, he said, inviting the Israeli people to reconsider the Arab offer of peace. He called on the Israeli people to mobilize against the destructive settlements policy and to strive for peaceful coexistence. If, in the coming weeks, efforts to rescue the peace process did not succeed, the Arab nations would come to the Security Council for action. The Council was "owned" by the international community and could not shirk its responsibilities. "We shall no longer follow illusions or tolerate insults to our intelligence or self-respect."

Mahmoud Abbas, President of the Palestinian Authority, showing maps of the Middle East over time, said that, since 1967, Israel had built settlements in Palestinian territories despite 10 resolutions issued by the Council condemning and prohibiting that activity. There was also a resolution on Jerusalem itself in which construction of settlements was called an illegal act. Nothing had changed, however. He showed, as an example, maps of three settlement blocks, which he said seemed to rule out a Palestinian State, dividing it into cantons,

implying that the vision of United States President George W. Bush for two viable States would not come true. Settlements had an impact on many issues, such as water, borders and Jerusalem, and threatened the peace process itself.

He recalled that the first article of the Road Map called for an end to the settlement policy. Colonization continued unabated, however, and the same policy existed up to the banks of the Jordan River. How could he rationalize continued negotiations to his people when the settlement activity continued? Palestinians were fulfilling their commitments to the greatest extent possible; Israelis must correspondingly stop their settlement activity. Many outposts were even considered illegal by the Israeli Government, while many Governments appealed to the Israeli Government to stop their construction. Yet it continued.

All parties had agreed that no change must be made to towns around Jerusalem, yet changes were being made on the ground, he continued. The Israeli Government had blamed those changes on the Mayor of Jerusalem, but he asked how a Mayor could defy national policy. He wondered why Israel continued negotiations if it had no intention of stopping the settlement policy. Acts of aggression by settlers had taken place, with invasions of villages after their land was already under siege.

Palestinians, he said, had accepted many constrictions on its territories, but could no longer tolerate the continuing abuses and, if peace was not won, who knew what kind of violence lay ahead for the region and beyond. Palestinians were against all violence, but, if there was no success in attaining an authentic peace, he asked what could be done. The Security

Council had the responsibility for peace and security in the region, and he urged it to fulfil that responsibility.

Gabriela Shalev (Israel) said that, if a stranger were present, he would think that Israeli settlements were the primary obstacle to peace in the region. It would appear that Hamas' violent coup in Gaza and its missile attacks against Israel were not a problem. To that stranger, Iran's pursuit of nuclear weapons and its support of Hizbullah and Hamas would be irrelevant. Mysteriously, all previous speakers had failed to mention those facts. Israel's settlements, however, falsely appeared to be the principal issue. Israel, however, was no stranger to the realities on the ground and to the mutual attempts to try to reach a real solution to the Arab-Israeli dispute through mutual negotiations on the ground, not with words in the Council.

She said that Israel remained committed to achieving a just and comprehensive peace in the Middle East and to a two-State solution. Israel was willing to discuss all aspects related to the conflict and was prepared, if the conditions were ripe, to make painful concessions in the pursuit of peace. Israel desired peace. "Let me also state clearly that settlements are not an obstacle to peace - or should I say, it is not the settlements that are the obstacle to peace. Yes, we understand the sensitivity of the issue of settlements in the eyes of our neighbours. Yes, there is also parallel sensitivity on our side, due to the historic bond of the Jewish people to this biblical land." However, settlements were not the principal issue. They were used as another instrument to bash Israel instead of addressing the realities on the ground.

Any progress began with genuine dialogue, with the release of Israeli hostage Corporal Gilad Shalit and an end to all terrorist attacks, she said. It began by overcoming all threats to the realization of peace. While the peace process was essentially a bilateral one between the Palestinians and Israelis, the rest of the Arab world had an important role to play. The region could support the process by preparing the people of the region for the price of peace and teaching all the children of the Middle East the values of tolerance and the blessings of coexistence. The Arab world must condemn terrorism and incitements, and reject extremism, such as from Iranian President Mahmoud Ahmadinejad's toxic anti-Israel and anti-Semitic provocations.

"Israel understands its responsibilities for peace. Faced with today's Security Council discussion, we cannot but wonder, do you, Arab leaders, really understand your responsibilities?" she asked. Israel had demonstrated that settlements - no matter how sensitive an issue - were not the obstacle to peace when the conditions were ripe.

She said the Middle East was at a critical juncture and the moderate Arab States had two paths before them. One path was the road of excuses and false alibis. The other was one that created the foundations for a just and lasting peace. Today's meeting was coming dangerously close to choosing the first option. "What could be more symbolic, in further contrast to today's Security Council meeting, than the meeting that took place a short while ago in this very building, two floors below us, between President Shimon Peres and President Mahmoud Abbas?" True progress

was made through such bilateral meetings. It was the only way to achieve peace.

Bernard Kouchner, Minister for Foreign Affairs of France, said that today's meeting was important because of the acceleration of settlement activity since Annapolis. His country, along with the rest of the European Union, took the position that the settlement activity was illegal and harmed the peace process, as well as the future viability of a Palestinian State. For France, there could be no peace without an immediate and unconditional end to settlement activity.

At the same time, he maintained that recent messages of the Iranian President were unacceptable, and he called on the Palestinian Authority to work to end terrorism. He welcomed the reform of the Palestinian security services and hoped that recent developments in Gaza would result in progress and the release of the Israeli hostage. There could be no peace, however, without a Palestinian State that was viable, and he urged the Council to make its appropriate contribution to that vision. He urged the two parties to take bold steps towards peace, which his country would support.

Condoleezza Rice, Secretary of State of the United States, said her country, President Bush and herself had been very committed to the Annapolis process and to finding a lasting peace in the Middle East and securing the establishment of a Palestinian State. One year ago, there had been no peace process at all. Now, there was a viable, robust peace process with Israelis and Palestinians continuing negotiations. Noting the meeting earlier today between Presidents Peres and Abbas,

as well as other meetings, she said the Quartet, the proper forum to have discussions on the issues, would meet today to discuss the Annapolis process.

She said the Annapolis process did not only expect political negotiations, but also progress on the ground, and the fulfilment of Road Map obligations by both Israel and the Palestinians. The international community also had obligations: to support the parties in their bilateral negotiations; to insist that all parties live up to their Road Map obligations; and to provide assistance to the Palestinian Authority. The United States recently had gone to extraordinary lengths to support the Palestinian Authority. Hopefully, the regional States would completely fulfil their pledges expeditiously so that the Palestinian Authority could meet its obligations to its people.

Regional States should consider ways to reach out to Israel, to demonstrate in words and deeds that a comprehensive solution required that Israel belonged in the Middle East and would remain there. The international community was obligated to speak loudly against terrorism and extremism in all its forms. The kind of language the United Nations had experienced this week when the President of Iran had said that a Member State should be wiped off the face of the Earth was unacceptable. The United States would ask the Council to convene again to take up the matter of a United Nations Member calling for the destruction of another.

Noer Hassan Wirajuda, Minister for Foreign Affairs of Indonesia, said that Palestinian land claims had disintegrated as Israeli settlers kept encroaching further into their territory, making the achievement of a viable Palestinian State very difficult.

Chances for achieving a two-State solution were diminishing with the doubling of Israeli settlements in the West Bank in 2007 and further plans for new construction in 2008.

Israeli settlements were a blatant violation of international law, he said. For example, the settlements seemed to have been aimed at altering the demographic composition, physical character and status of the Palestinian territory, including East Jerusalem, which went against provisions of the Geneva Convention governing how occupiers should treat occupied areas. In addition, the Fourth Geneva Convention stated explicitly that an occupying Power should not transfer parts of its civilian population into the territory being occupied, and the United Nations Charter held it inadmissible to acquire territory by force.

He joined the Secretary-General and the Quartet in calling for Israel to end all settlement activity and to comply with Security Council resolutions and obligations under the Road Map, as agreed at Annapolis. He attached prime importance to the Council's role in responding to the settlement issue, and thought the Council could soon take steps to call on Israel to dismantle existing settlements in the near future, as it had done in 1980.

Karel De Gucht, Minister for Foreign Affairs of Belgium, said that the long-standing position of the European Union, including of his country, was that settlement activity, in East Jerusalem and other areas, was illegal under international law and threatened the viability of the peace process. It was necessary for the Council to shoulder all its responsibilities in that area. Meetings on the topic should address the complete situation, however, and not just

one problem area, and should include all topics, such as the role of Hamas and its allies, in the effort to improve progress towards peace.

In that effort, negotiations must continue, he said, but there also must be progress on the ground. Palestinians must continue to carry out their structural reform, and Israel must freeze settlement activity and lift restrictions on circulation in the West Bank. Cooperation between the two parties must also continue in all possible spheres. At the same time, the 2 million Palestinians in the Gaza Strip must not be forgotten. He condemned Hamas' campaign to dominate the area, stressing that Palestinian self-government must be consolidated under President Abbas.

Nkosazana Dlamini Zuma, Minister for Foreign Affairs of South Africa, said that, after Annapolis, her country had thought that settlement activity in the occupied Palestinian territories would cease. Those settlements were illegal and changed the facts on the ground, and were a key obstacle to the peace process. She urged the Council to demand that Israel immediately and completely freeze all settlement activity, including natural growth, and dismantle outposts erected since March 2001, in order not to change the facts on the ground and prejudice final status negotiations.

She continued to encourage both the Palestinians and the Israelis to persist with their negotiations to achieve an independent, economically viable State of Palestine, living side by side with Israel, with both States enjoying secure and internationally-recognized borders. She reiterated that the primary responsibility for peace and security

lay with the two sides, while the Council should continue do its part and not neglect the situation.

Franco Frattini, Minister for Foreign Affairs of Italy, said it was important that the last months of the year yielded some concrete achievements in the negotiations. The clock was unfortunately ticking against peace. Italy, together with other European States, would continue efforts to build on the Annapolis process. The security of Israel was non-negotiable and could only be guaranteed if a Palestinian State had solid institutions founded on the rule of law. It was also important for Arab countries to continue to provide robust political and economic support to President Abbas' efforts.

He said the current settlement policies did not seem to facilitate the process. Moderation was crucial to the peace process. While understanding Israel's sensitivity to the issue, he exhorted its leaders to reflect on the issue, to restore international legality and to avoid undermining the credibility of Palestinian negotiators in public opinion. The situation in the Gaza Strip could not be forgotten. The worsening of the humanitarian situation and the deterioration of respect for human rights was a great cause of concern. At the same time, the permanent threat posed by Hamas to Israel was not acceptable and Corporal Shalit should be freed.

Israel should be called on to make difficult decisions, he said. Leaders had publicly recognized that it was in that country's best interest to have a democratic Palestinian State. The final goal was peace between Israel and Palestine, but also with all other countries in the region. On

Lebanon, he welcomed the important achievements of recent months, but remained concerned at the resurgent violence. He hoped that commitments undertaken by Syria would be promptly implemented. He also believed that negotiations between Syria and Israel would contribute to stabilizing the area. Security in the Middle East was a top priority. In that regard, one should face the very serious threat posed every day by Iran.

Bruno Stagno Ugarte, Minister for Foreign Affairs of Costa Rica, said that each new settlement presented another obstacle to peace. The Council and Israel should not ignore the broad consensus that existed opposing settlement activity. At the same time, his country did not ignore the other mutual commitments that must be fulfilled to progress in the peace process. Costa Rica had very early supported the establishment of two independent States, and the United States' partition plan had supported that, but other States had ruined that plan and must take responsibility.

Given that there were many obstacles to peace, he said he particularly objected to the statements of Iran, which had made progress less tenable. Meanwhile, however, Palestinians had continued to build the basic foundations of a State, which Costa Rica had decided to recognize this year. None of the parties had done everything necessary to end the conflict and each party must pay a price for peace, but that price was less than continuing the violence. There was much agreement in the region on the shape of a peace agreement, and he urged the parties to take action to bring the process to completion, by keeping their current commitments and coming to new agreements on remaining issues.

David Miliband, Foreign Secretary of the United Kingdom, said the central issue was that the Middle East peace process commanded legitimacy for all parties. The international community must demonstrate in word and deed that it contributed to the process. If the international community failed to show support, the chance for the two-State solution would become remote. The Annapolis process had shown the necessity of United States leadership for a settlement. He did not agree that the current process was worse than useless. There had been successes over the past nine months, such as progress on reform.

He said the responsibility of the international community was to reiterate support for the Annapolis process. The parties needed to stick to a process of compromises. Practical support by the international community was also necessary. In that regard, the United Kingdom was helping the Palestinian Authority in establishing its security sector. All parties must support prospects for peace.

Settlements were wrong and needed to be stopped, he said. Security was best supported by a secure Palestinian State. The arming of Hizbullah was a threat to the region. The comments of Iranian President Ahmadinejad were outrageous; that was no way to talk about another Member of the United Nations. He regretted that no agreement could be reached for this meeting to condemn his words. There was a real risk that, if the post-Annapolis progress was not sustained, there would be a setback. A new momentum must be forged. The peoples of the region could not live with another 50 years of conflict. They needed strong leadership that focused on the future, not on the past.

Gordan Jandroković, Minister for Foreign Affairs and European Integration of Croatia, said that his country continued to be guided by the word “hope” in its approach to the Middle East. Further negotiation, and the necessary compromises, must be supported. He also recognized the need for tangible progress on the ground. The issue of settlements was a sensitive and difficult one and the subject of much attention between the actors and international partners. He hoped that progress would be made on that issue in the high-level meetings that were slated for the next few days.

He said that none of the road map obligations could be read as separate from the others. Both sides were making an effort to improve the situation on the ground; the downward slide of conditions in the West Bank had been halted. He urged continued donor support of Palestinian State-building, which concerned the Israeli interest in security as well. Now was a crucial time for the peace process, and it was of primary importance that the negotiations be encouraged.

Alexander Sultanov, Deputy Minister for Foreign Affairs and Middle East Envoy of the Russian Federation, said the problem discussed today was the most sensitive one of the whole question. The approach to the problems should be determined by Security Council resolutions, including resolution 242 (1967). Settlement activities were illegal, and the restrictions on the movements of Palestinians were irritants in the Annapolis process. He recalled the joint understanding after Annapolis in which the parties had pledged to immediately comply with their obligations under the Road Map. That Map required freezing all

all settlement activities, including natural growth activities.

He said the parties should not take steps that would create new realities on the ground. The Palestinians also must fully comply with their obligations, especially in the security area. It was important to urge the sides to continue talks to settle final status problems, including the question of settlements. That was the goal the Russian Federation intended to pursue as a Quartet member and as a country.

Giadalla Ettalhi (Libya) said he hesitated to take the floor because he remembered that the issue had been on the Council’s agenda for almost six decades now, during which that body had adopted a series of resolutions, none of which had been implemented. The Council had often refrained from acting, despite the seriousness of developments. Perhaps a new phase had begun with this meeting, in which a group of States had been allowed to address the Council. Every time the Israelis began negotiations, settlement activity had increased, but they had increased in an unprecedented manner after the Annapolis talks. Israelis themselves reported as much.

He said that settlement activity not only impeded the peace process, but also sabotaged the very notion of an independent Palestinian State. In doing so, it severely threatened international peace and security. An Israeli report showed that the settlements impacted on Palestinian rights and was undertaken for expansionist motives. Settlers attacked Palestinians daily. Those attacks had included the recent torching of olive groves and the infliction of numerous deaths and injuries. In addition, a system of apartheid had been created by the setting up

of parallel judicial entities. He stressed that the settlement policy was a systematic one rooted in the belief that the Palestinian territories belonged to Israel, which was a dangerous notion.

Le Luong Minh (Viet Nam) said his delegation shared the deep concerns voiced by both Council members and the Arab League in the ministerial meeting in Cairo regarding the illegal settlement activities undertaken by Israel in the occupied Palestinian territories, especially in the West Bank and East Jerusalem. It was profoundly worrisome that Israel had nearly doubled its settlement construction in the occupied West Bank since 2007. His delegation associated itself with the position of the Non-Aligned Movement in the “Declaration on Palestine”, which pointed to the illegality of Israel’s construction and expansion of settlements, particularly in and around occupied East Jerusalem.

He said that Israel’s continuation and expansion of illegal settlements in the occupied Palestinian territories had not only posed a serious obstacle to the effective conduct of Israeli-Palestinian peace talks resumed after a years-long delay, but had also grossly violated the “land-for-peace” principle, one of the cornerstones of the Middle East peace process. He urged Israel to cease those illegal practices, including measures to change the status, character and demographic composition of East Jerusalem, and to fully respect and implement resolutions 446 (1979), 452 (1979) and 465 (1980), as well as relevant resolutions adopted by the Council on the issue of Israeli settlements. Israel’s settlement activities only deepened the enmity and confrontation between Israel and the Palestinian people, thus failing to ensure Israel’s long-term security interests.

Li Kexin (China) said the Annapolis conference had provided a viable opportunity for peace in the Middle East, and the international community was waiting with ardent hope to see practical results. Over the past months, the leaders of Israel and Palestine had met on a regular basis. However, as had been noted in the Council last week, there was a huge gap in the negotiation process, and it was imperative for the political talks to produce tangible results.

He said the grave situation on the ground could not be neglected, as that situation provided the context for the negotiations and the subject to be addressed therein. The situation in Gaza had continued to worsen and the Palestinian people in the West Bank were facing many difficulties in their daily life. Israel had continued its construction of settlements. Not only was that a violation of its obligations, but they also impacted the peace talks and endangered the establishment of two States living side by side.

He urged Israel to respond positively to calls by the international community to freeze immediately all construction of settlements. The parties concerned should demonstrate their goodwill to implement their obligations under the Road Map and should not wait for the other one to take the first step. The Quartet meeting later today could help to accelerate the negotiation process.

Ricardo Alberto Arias (Panama) said he realized that the Middle East conflict was more complex than one issue, but he supported the call for an immediate halt of settlement activity in the Palestinian territories, as that was an obstacle to peace.

Bedouma Alain Yoda, Minister of State for Foreign Affairs and Regional Cooperation of Burkina Faso, reiterated the appeal for dialogue to accelerate progress towards the vision of two independent States, as desired by the international community. After Annapolis, political will

was needed to successfully transform that desire into reality. There had been recent encouraging signs, but they were not enough to restore trust. The continuing threats to Israel were not helpful. Other regional initiatives had been valuable, and deserved the Council's support.

IX. SPECIAL RAPPORTEUR SUBMITS REPORT ON HUMAN RIGHTS IN THE OCCUPIED PALESTINIAN TERRITORY

On 28 September 2008, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, Richard Falk, submitted, in accordance with Human Rights Council resolution 5/1, his first report since taking up his mandate on 1 May 2008. Following is the summary of the report (A/63/326):

The present report, the first submitted by Richard Falk, examines the observance of international humanitarian and international human rights standards in the Palestinian territories occupied by Israel since 1967 during the period from January to mid-2008. It pays particular attention to the consequences of a prolonged occupation that has consistently ignored the directives of the United Nations with respect to upholding the legal rights of an occupied people.

The report also takes note of the undertaking associated with the revival of the peace process at the Annapolis summit of December 2007, in particular the expectation that Israel would freeze settlement expansion and ease restrictions on movement in the West Bank. It is discouraging that the record shows settlement growth and further restrictions on West Bank movement.

In addition, the report notes the abuse of international humanitarian law associated with the separation wall, and Palestinian fatalities, including of children, owing to Israeli use of excessive force to quell non-violent demonstrations. Attention is also drawn to abuses by Israel at border crossings, with special concern expressed with regard to the harassment and assault of Palestinian journalists. The report further focuses on the crisis in health care, especially in Gaza.

The report laments the failure of Israel to implement the recommendations of the International Court of Justice, as endorsed by the General Assembly. It calls for a further clarification of the rights of the Palestinian people by recommending that the General Assembly seek legal guidance as to the extent to which the occupation is endangering the realization of the Palestinian right of self-determination.