



DIVISION FOR PALESTINIAN RIGHTS

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*The Bulletin can be found in the United Nations Information System
on the Question of Palestine (UNISPAL) on the Internet at:*

<http://unispal.un.org>

I. SECURITY COUNCIL CONSIDERS INTERCEPTION BY ISRAEL OF LIBYAN AID SHIP TO GAZA

The Security Council met on 3 December 2008 to consider the “Situation in the Middle East, including the Palestinian question”, in response to a request dated 2 December 2008 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council, issued as document S/2008/754. The press release of the meeting (SC/9518) is excerpted below. For the verbatim record of the meeting, see document S/PV.6030.

...

Conflicting views were expressed in the Security Council this evening as it met at the request of the Libyan Arab Jamahiriya to discuss what was described as Israel's refusal to allow a Libyan vessel carrying humanitarian supplies to reach the port of Gaza.

A letter before the Council from the Libyan delegation, dated 2 December, states that, on Monday, the Navy of “the Zionist entity” had intercepted the *Al-Marwa*, which was delivering humanitarian supplies for children and the sick suffering under the blockade of Gaza. Insisting that the ship should be allowed to deliver its cargo, Libya's representative said that the United Nations and humanitarian organizations like the International Red Cross and Red Crescent could inspect the ship to verify that it only carried food and medicines.

This evening, the speaker asserted that the actions by the Israeli authorities were an act of piracy as defined by the United Nations Convention on the Law of the Sea. The Council, during recent months, had adopted a series of resolutions aimed to suppress that phenomenon. Consistent with that trend, he called upon the Council to condemn the Israeli actions and ensure Israel's compliance with international law. The Council should hold Israel accountable for its deliberate violation of the freedom of navigation on the high seas, he said.

The Permanent Observer of Palestine said that Libya's goodwill intentions had been necessitated by unusual, unacceptable and deplorable circumstances. It was imperative that Israel be compelled to immediately lift its siege of the Gaza Strip to allow for movement of persons and goods. The Palestinian Authority reiterated its readiness to assume responsibility for the Palestinian side of Gaza's border crossings in line with the 2005 Agreement on Movement and Access.

The international community must act, he insisted. It was high time that the international community, including the Council, undertook its collective duty to exert serious efforts to redress the illegal situation in the Occupied Palestinian Territory and bring an end to Israel's illegal practices and policies.

Israel's representative countered that it was a “sad day” for the Council, which had been outrageously compelled to promote the particular agenda of one of its member States. That State had intentionally chosen to abuse the Council's procedures to distract it from addressing the dire problems facing the international community. Libya did not understand its role in the Council, its obligations and its responsibilities.

She said that, if Libya was genuinely interested in supporting peace and security in the Middle East, it would have

condemned Hamas' brutal coup against the moderate Palestinian Authority and subsequent control of Gaza, as well as the constant barrage of rockets and mortars on Israeli towns by terrorists. Like any other State, Israel had the right - even the duty - to defend its citizens from terrorist attacks. No United Nations Member State would allow a shipment originating from a hostile State to reach a territory that served as a launching pad for terrorist attacks against its citizens.

The representatives of the United States and the United Kingdom disagreed that Israel's actions constituted piracy under the law of the sea and insisted on the need to follow proper humanitarian channels for the delivery of aid.

The representative of the United States also pointed out that the Council was confronted by a "most unusual" situation, having been asked by one of its members to meet on an issue of that country's own making. The way Libya had proceeded was "dangerous and irresponsible". If that country's objective had been to provide humanitarian assistance, a number of ways existed that did not amount to provocation. The manner that Libya had chosen for delivering such assistance seemed almost designed to guarantee that it did not get through.

Several speakers emphasized, however, that the current situation was part of a highly complex set of issues, originating in the larger question of humanitarian access. The representative of France said in that regard that his country was prepared to work on a reaction by the Council to deal with all aspects of the humanitarian situation in Gaza. If such a reaction was not possible

today, the Quartet's next meeting would be held later this month, and the Council's next debate on the Middle East was scheduled for 18 December. Both occasions should be used for further discussion of those issues.

Pointing out that the port of Gaza was an integral part of Palestine, South Africa's representative said the whole situation could be described as a humanitarian disaster, where innocent civilians were denied much-needed assistance. With little progress achieved on the ground following the agreements reached in Annapolis 12 months ago, it was time for the parties, the international community and the Council to act. The international community could not sit back and allow the situation to deteriorate, ending all hopes for a negotiated solution.

He added that Israel's security could be assured only once a solution to the Palestinian question was found, but Israel's security should not be used as a justification for denying access of humanitarian assistance. He called on Israel to allow the delivery of much-needed support to Palestine through all crossings, including the port of Gaza. He hoped that the Council would find it possible to pronounce itself on the humanitarian situation in Palestine. It could not continue to avoid confronting such an obvious situation.

China's representative also stressed the gravity of the humanitarian situation in Gaza, saying that no issue could justify collective punishment. Israel was under an obligation to ensure that the normal humanitarian needs of the population of Gaza were met, and he urged it to lift a siege and accord humanitarian assistance to the population.

Statements were also made by the representatives of the Russian Federation, Belgium, Costa Rica, Panama, Viet Nam, Indonesia, Burkina Faso, Italy and Croatia.

II. HUMAN RIGHTS COUNCIL REVIEWS ISRAEL'S HUMAN RIGHTS RECORD

The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its third session from 1 to 15 December 2008. The review of Israel was held at the 8th meeting, on 4 December 2008. At its 12th meeting, on 9 December 2008, the Working Group adopted its report on Israel (A/HRC/10/76); the conclusions and recommendations contained therein are reproduced below.

...

In the course of the discussion, the following recommendations were made to Israel to:

1. Continue its efforts to overcome constraints and difficulties in order to implement all human rights and fundamental freedoms for everyone (Burkina Faso); take all necessary measures to ensure that it fulfils all of its obligations under international human rights instruments, particularly the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights with regard to the situation in Gaza (Ireland); (Argentina); consider the possibility of signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of its Committee (Argentina, France); ratify the Optional Protocol to the Convention against Torture (Denmark, Mexico, Brazil), recognize the competence of the Committee against Torture to examine complaints against Israel (Denmark) and ratify the Convention on the Rights of Persons with Disabilities (Mexico,

Romania) and the optional protocol thereto (Mexico); ratify/consider ratifying the Rome Statute of the International Criminal Court (Jordan, Brazil);

3. Accelerate the process of bringing its national legislation into compliance with the provisions of the main international instruments to which it is a party (Azerbaijan);

4. Incorporate the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture into national legislation as soon as possible (Switzerland);

5. Bring the existing criminal provisions that could be seen as inconsistent with the Israeli Basic Law on Human Dignity and Liberty and basic human rights law provisions guaranteeing freedom of speech into conformity with modern human rights law standards (Norway);

6. Ensure best protection of human rights and follow-up to the implementation

of international instruments (France); establish an independent national human rights institution in accordance with the Paris Principles (France, Jordan, Philippines);

7. Consider strengthening dialogue and cooperation by issuing a standing invitation to all special procedures of the Council (Latvia, Jordan, Brazil); reach the human rights goals set by the Council in its resolution 9/12 (Brazil);

8. Increase efforts to implement the recommendations of treaty bodies and to use the ongoing negotiations on a new constitution to include general non-discrimination provisions for all Israeli citizens (Austria); follow-up the recommendations made by the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the special procedures that visited in September 2006, in the areas of equality and non-discrimination, paying particular attention to women and ethnic, national and religious minorities, the elimination of any distinction, exclusion or preferential treatment among groups of population in all the territories under State jurisdiction, particularly in the areas of access to justice, employment, education, health services, property rights, housing rights, family reunification, freedom of expression, belief and religion (Mexico);

9. Redouble efforts to increase women's representation in society and to join the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Azerbaijan); continue and strengthen its

efforts to achieve gender equality in Government and public services at all levels (Guatemala);

10. Take all necessary measures to reduce the existing situation of discrimination and proceed in the near future to the equal allocation of lands, irrespective of the nationality of the owners (Greece);

11. Move towards the formal and final legal abolition of the death penalty (Slovenia);

12. Ensure that human rights defenders are able to carry out their legitimate work in a secure and free environment (Austria);

13. Respect the principles of the protection of persons subjected to detention or imprisonment and implement the recommendation of the Committee against Torture that specific legislation to ban torture be adopted (France); ensure prompt and impartial investigations of allegations of ill treatment, in accordance with its obligations under the Convention against Torture (Canada); commit to implementing the recommendations made after the review of its report submitted to the Committee against Torture and end physical and mental torture of Arab prisoners (Syrian Arab Republic); put an end to all forms of torture and other cruel, inhuman or degrading treatment or punishment, give families the right to visit detainees in places of detention wherever they are (Yemen); suppress all decisions allowing the use of torture in accordance with the Convention against Torture, and refrain from using arbitrary and summary executions (Palestine);

14. Spare no effort to investigate allegations of violence and killings

committed by the police and also ensure that the State, at all levels, fully respects international human rights standards (Sweden);

15. Take immediate action to ensure all cases are reviewed by a court in accordance with fair procedures and that the rights of detainees, particularly the right to a fair trial and family visitations, are upheld (United Kingdom);

16. All detainees be given the reasons for their detention respecting their fundamental rights during detention (Chile); ensure that prisoners are informed of charges and evidence against them, have prompt access to counsel of their choice, be charged with a recognizable criminal offence and be given a fair trial (Canada);

17. Ensure that administrative detention is carried out in accordance with international human rights standards (Denmark); actively seek to address these concerns and review the use of administrative detention, which denies people their rights to liberty, due process and fair trial (Ireland);

18. Put the law on polygamy in effect (Chile);

19. Respect freedom of movement in all territories under State jurisdiction in conformity with international standards (Mexico);

20. Do not renew the Citizenship and Entry into Israel Law after its expiration in July 2009 and re-examine its scope with a view to respecting the obligation of non-discrimination (Switzerland); suspend the Citizenship and Entry into Israel Law (Temporary Order of 31 May 2003) (Holy See);

21. Lift unnecessary restrictions on the granting of visas, in particular multiple entry visas, to members of the Christian clergy in the exercise of their religious duties (Italy);

22. Cease imprisoning conscientious objectors and consider granting them the right to serve instead with a civilian body independent of the military (Slovenia);

23. Refrain from interfering in the affairs of religious institutions, especially with respect to the rights of ownership and property (Jordan);

24. Implement all international resolutions confirming the need to preserve the character and characteristics of Jerusalem, not to change its legal status and to preserve its Islamic and Christian spiritual monuments and symbols (Morocco);

25. Guarantee equitable protection to all places of worship in the country, including all Muslim and Christian sacred places (Italy); refrain from preventing or hindering the restoration of Islamic holy shrines by the Waqf (Jordan); stop all illegal measures aimed at annexing East Jerusalem and at erasing its Arabic, Christian and Islamic characteristics, and respect religious freedom and the access to places of worship (Palestine, Pakistan);

26. Ensure access of Bedouin populations to basic public services, such as sanitation, electricity and water (Canada);

27. Refrain from evicting Arab residents from their homes in Jerusalem (Jordan);

28. Ensure that the rights of minorities are fully protected (United Kingdom);

29. Address the problem of discrimination against minorities and implement the recommendations made by the Or Commission in 2003 in this regard (Finland); strengthen efforts to ensure equality in the application of the law, counter discrimination against persons belonging to all minorities, promote their active participation in public life, and provide public services and infrastructure fairly (Canada);

30. Intensify its efforts to ensure that human rights are fully respected in the fight against terrorism (Sweden); redouble efforts to guarantee the protection of human rights and fundamental freedoms in the fight against terrorism, paying particular attention to the recommendations made by the Special Rapporteur on this subject (Mexico);

31. A sustained improvement of the humanitarian situation in the Palestine territories can only be achieved by the permanent settlement of the conflict. Encouraged the international community to continue its efforts to that end; necessary measures must be taken to ameliorate the living conditions of the Palestine people. Call on all parties concerned to refrain from any action that could undermine the process leading to a durable solution (Turkey);

32. Respect its obligations under international human rights and humanitarian law with respect to the Palestinian people (Maldives); fully respect its human rights obligations, not only in its own territory, but also in places under its control, such as the Occupied Palestine Territories, as recalled by treaty bodies and the International Court of Justice (Switzerland); comply with obligations under international human rights and humanitarian law, and ensure the rights

to health, education, work and protection of family rights in the West Bank, including East Jerusalem, the Gaza Strip and the Golan Heights (Canada); honour its obligations under international humanitarian law with regard to the situation in the Occupied Palestinian Territories (Azerbaijan); apply international human rights and humanitarian law in the Occupied Palestinian Territories and the occupied Syrian Golan (Kuwait); set a clear timetable to commit itself to the principles of human rights and humanitarian laws in all occupied Arab territories (Syrian Arab Republic); guarantee the enjoyment of human rights and humanitarian law for those living in the occupied territories (Chile); respect all United Nations resolutions and its obligations under international human rights law and international humanitarian law, with a view to guaranteeing fundamental rights and freedoms to all Palestinians in the Occupied Palestinian Territories, including East Jerusalem, by combating all forms of discrimination; and ensure the enjoyment of the rights of the Palestinian people, inter alia, to housing, education, health, freedom of expression and freedom of movement (Morocco);

33. Abide by its international obligations, including those under the Fourth Geneva Convention (Ireland); meet provisions of international humanitarian law, particularly the Fourth Geneva Convention (Cuba); fully implement its obligations under international law, including international humanitarian law, in particular the Fourth Geneva Convention of 1949 relating to treatment of non-combatants in the hands of the occupying power (Malaysia); respect and ensure respect of international humanitarian law, particularly the 1949 Geneva

Conventions and the Optional Protocol I thereto, including in the Occupied Palestine Territories (Mexico);

34. Recognize and respect the right of the Palestinian people to self-determination (Malaysia, Maldives) and their right to establish an independent sovereign Palestinian State (Maldives); fully restore the rights and dignity of the Palestinian people, including their rights to life, to live in dignity, adequate food, housing, health, education as well as their freedom of movement (Malaysia); grant Palestinians economic, social and cultural rights as well as civil and political rights; allow Palestinians to reach places of worship, and protect religious freedom in accordance with article 27 of the Fourth Geneva Convention, as the occupying power, and bear its responsibility in this respect; and allow the international community organizations, particularly ICRC, to ascertain the health conditions of Arab detainees in Israeli prisons (Bahrain); respect religious and cultural rights of the Palestinian people in the Occupied Palestinian Territories, including Jerusalem, in accordance with Council resolution 6/19 (Syrian Arab Republic); end the occupation of the Occupied Palestinian Territories and other Arab territories occupied since 1967, including Jerusalem and the Syrian Golan (Egypt, Kuwait, Cuba); end Israeli violations in the Occupied Syrian Golan (Kuwait); end the occupation of all Palestinian and Arab territories occupied, including Jerusalem (Yemen, Maldives, Jordan, Palestine, Pakistan); and withdraw from all the territories since 5 June 1967 (Jordan); respect the inalienable rights of Palestinians and end all occupation of occupied Arab territories (Saudi Arabia); end the occupation of all Palestinian and

Arab territories occupied since 1967, including Jerusalem and occupied Syrian Golan, and recognize and respect the right of the Palestinian people to self-determination and their right to establish an independent sovereign Palestinian State with Jerusalem as its capital (Sudan); in the light of the concerns expressed by the Special Committee to Investigate Israeli Practices in the Occupied Territories, the Special Rapporteur on human rights and counter-terrorism and the High Commissioner for Human Rights regarding the continued deterioration of human rights and the humanitarian situation in the Occupied Palestinian Territory emanating from, among others, the construction of the security wall, address the violations immediately, including through the cessation of the occupation (Democratic People's Republic of Korea); respect the right of the Palestinians to self-determination and the establishment of their independent State with Jerusalem as its capital (Egypt, Kuwait, Palestine), as stipulated in various international treaties (Palestine, Pakistan);

35. Acknowledge/recognize, accept and fully implement the advisory opinion of the International Court of Justice on the wall (Egypt, Maldives, Jordan, Palestine, Pakistan) that Israel immediately cease work on the construction of the wall being built in the Occupied Palestinian Territories, and begin dismantling it (Maldives); end construction of, and dismantle the already built, illegal separation wall (Cuba); dismantle the wall in the Occupied Palestinian Territories and refrain from expansion of settlements (Brazil); dismantle the separation wall (South Africa);

36. Take urgent and immediate steps to end its occupation of all Palestinian and Arab territories occupied since 1967; implement all Human Rights Council, General Assembly and Security Council resolutions on the Occupied Palestinian Territories and other Arab territories; introduce measures to respect the right of the Palestinian people to self-determination and their right to return; accept its obligations under international human rights and humanitarian law; cease action that would alter the demographic situation of Palestine; and grant access to safe drinking water to Syrian citizens living in the occupied Syrian Golan (South Africa);

37. Develop mechanisms for overseeing the implementation of the Convention on the Rights of the Child in the West Bank and Gaza (Slovenia); apply the definition of a child as a person under 18 also in the Palestinian territories, in line with article 1 of the Convention on the Rights of the Child (Italy);

38. Immediately cease its military operations in the Occupied Palestinian Territories and lift the closure and seizure it imposes on the Gaza Strip (Egypt); end military attacks against the civilian Palestinian population (Cuba); ensure safe and unhindered access to all humanitarian personnel and humanitarian assistance to the civilian population, and most importantly refrain from imposing blockades on the Gaza Strip (Jordan); refrain from subjecting the civilian population to collective punishment (Jordan); ensure the protection and welfare of civilians in the Occupied Palestinian Territories (Jordan); end collective punishment in the Occupied Palestinian Territories, in particular in the Gaza Strip (Palestine, Pakistan);

39. End all settlement activities in the Occupied Palestinian Territories, in particular in and around occupied Jerusalem (Egypt); stop the policy of colonization through illegal settlement (Cuba); annul its illegitimate decision to annex the occupied Syrian Golan and end all settlement activities therein (Egypt); cease immediately the expansion of settlements and the operations of destruction, inter alia, in East Jerusalem of houses belonging to Palestinian families (Switzerland); stop all settlement activities (Jordan); end all construction in the Occupied Palestinian Territories and the destruction of natural and agricultural resources of the Palestinian people (Palestine, Pakistan);

40. Improve and strengthen cooperation with all relevant United Nations special procedures and mechanisms to, inter alia, improve the enjoyment of human rights by populations in the Occupied Palestinian Territories and to reverse the dire humanitarian situation there (Azerbaijan);

41. Fully and immediately implement all Council resolutions (Qatar, Kuwait, Maldives, Palestine, Pakistan) in relation to the situation of human rights in the occupied territories (Maldives) and respect the human rights and fundamental freedoms of the Palestinian people, in particular their right to self-determination (Qatar); implement all resolutions adopted by the Council, in particular resolution 7/18, in which the Council requested Israel to cooperate with the Special Rapporteur on the human rights situation in the Palestinian territories occupied since 1967 and to immediately withdraw all legislative and administrative measures aiming at making the occupied East Jerusalem Jewish, including measures that allow archaeological

digging around the Aqsa Mosque, the building of a synagogue, the establishment and expansion of settlements and the shutting down of Palestinian institutions (Morocco); implement the recommendations of the Council (Kuwait, Palestine, Pakistan) and special procedures, particularly the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the Special Committee on Israeli Practices in the Occupied Palestinian Territories (Palestine, Pakistan); endorse the recommendations of the Special Rapporteur on the situation of human rights defenders (Pakistan);

42. Ensure prompt investigation into allegations of and bring to justice those committing attacks against Palestinian human rights defenders (Denmark); issue a directive to the military with a view to expanding the category of “humanitarian exceptions” to permit human rights defenders to enter and leave Gaza for their work (Norway);

43. Immediately release all Palestinian, Syrian and other Arab prisoners and detainees (Egypt); release all Palestinian and Syrian detainees and put an end to all the practices that seek to modify the demographic composition and architecture of Jerusalem and the Syrian Golan (Qatar); free all Palestinians, Syrian and Arab detainees, including women, children and journalists, and allow international organizations, including ICRC, to visit these detainees and examine their situation in all Israeli prisons to ensure that detention conditions conform to minimum standards (Yemen); commit itself to releasing all Arab prisoners and detainees in Israeli prisons imprisoned for years without trial; enable ICRC to provide for needs and health care in

conformity with Council resolution 7/30, as the state of health is deteriorating on an ongoing basis (Syrian Arab Republic); ensure the release of all prisoners and administrative detainees (Palestine, Pakistan);

44. Refrain from subjecting the civilian population to collective punishment (Jordan);

45. Establish a separate juvenile justice system to try accused Palestinian children (Slovenia);

46. Guarantee access and freedom of movement to the inhabitants of Gaza and the West Bank notwithstanding the necessary security measures (Netherlands); limit the cases in which restrictions to free movement are applied to situations that require guaranteeing its security, in accordance with international law, in particular with the International Covenant on Civil and Political Rights, non-discriminative and proportionate to the desired aim (Belgium);

47. Expeditiously open crossing points and checkpoints (Qatar); lift blockades in the Gaza Strip and remove restrictions of movement currently placed in the Occupied Palestine Territories that gravely harm the human rights of Palestinians (Switzerland); reopen points of passage to and from the Gaza Strip (France); end the blockade in the Gaza Strip and guarantee full access of the Palestinian population to all basic services (Cuba); lift all military checkpoints and end all restrictions on the rights of Palestinians to movement and their rights to health and education (Palestine, Pakistan); ensure more freedom of movement for the Palestinians in the West Bank and particularly Gaza in

order to assure adequate standards of living of the Palestinian people and improve their access to health, education and work (Italy); open crossing points (Yemen);

48. Ensure the enjoyment by the Palestinians of all their cultural and religious rights, as contained in the Universal Declaration for Human Rights, and allow them to have access to all places of worship, in accordance with the Fourth Geneva Convention, without any restriction, and in order to preserve the cultural heritage, take all measures to protect these places and preserve their dignity (Morocco); take positive and constructive measures in order to effectively reduce the deprivation under which the Palestinian people are living (China); take action to ensure that Palestinians are fully able to enjoy their economic, social and cultural rights (United Kingdom);

49. Ensure access to religious sites, especially in the Holy City of Jerusalem, and abolish all restrictions imposed on the right to freedom of movement and the right to manifest one's religion; ensure the preservation of the cultural and religious heritage in the Occupied Palestinian Territories, particularly in Jerusalem, and refrain from any actions that aim at changing the character and/or status of these sites (Jordan);

50. Progressively remove restrictions that prevent Palestinian children from having access to basic services, including schools and health care (Italy);

51. Respect the right of Palestinian refugees to return to their homelands and to

be compensated for losses and damages incurred and to retrieve their properties (Egypt, Jordan), in accordance with relevant United Nations resolutions and international law (Jordan); acknowledge the right of refugees to return to their homes, according to the Fourth Geneva Convention (Palestine, Pakistan);

52. Submit a report on the situation of human rights in the Occupied Palestinian Territories since Israel is in charge as the occupying Power (Palestine, Pakistan);

Follow-up to the universal periodic review

53. Include in its next review report measures taken to comply with the recommendations of treaty bodies, especially with regard to the situation of human rights in the Occupied Palestinian Territories (Malaysia);

54. Engage with civil society in the follow-up to and implementation of the universal periodic review process (United Kingdom).

The response of Israel to these recommendations will be included in the outcome report to be adopted by the Council at its tenth session.

All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

III. GENERAL ASSEMBLY ADOPTS FIVE RESOLUTIONS ON ISRAELI PRACTICES AFFECTING HUMAN RIGHTS

At its 64th plenary meeting, convened on 5 December 2008, the General Assembly considered agenda item 30 of its sixty-third session entitled “Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories”, and the related report of the Special Political and Decolonization Committee (Fourth Committee) (A/63/401). The Assembly adopted five resolutions, the texts of which are reproduced below, with the indication of the vote. For the verbatim record of the meeting, see A/63/PV.64.

63/95.

Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,¹ as well as international standards of human rights, in particular the Universal Declaration of Human Rights² and the International Covenants on Human Rights,³

Recalling its relevant resolutions, including resolutions 2443 (XXIII) of 19 December 1968 and 62/106 of 17 December 2007, and the relevant resolutions of the Commission on Human Rights and the Human Rights Council,

^{1/} United Nations, *Treaty Series*, vol. 75, No. 973.

^{2/} Resolution 217 A (III).

^{3/} See resolution 2200 A (XXI), annex.

Recalling also the relevant resolutions of the Security Council,

*Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,⁴ and recalling in this regard General Assembly resolution ES-10/15 of 20 July 2004,*

Convinced that occupation itself represents a gross and grave violation of human rights,

Gravely concerned about the continuing detrimental impact of the events that have taken place since 28 September 2000, including the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in thousands of deaths and injuries, the widespread destruction of property and vital infrastructure and the internal displacement of civilians,

Having considered the report of the Special Committee to Investigate Israeli

^{4/} See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories⁵ and the relevant reports of the Secretary-General,⁶

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993⁷ and the subsequent implementation agreements between the Palestinian and Israeli sides,

Expressing the hope that the Israeli occupation will be brought to an early and complete end and that therefore the violation of the human rights of the Palestinian people will cease, and recalling in this regard its resolution 58/292 of 6 May 2004,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. *Reiterates its demand* that Israel, the occupying Power, cooperate, in accordance with its obligations as a State Member of the United Nations, with the Special Committee in implementing its mandate;

3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;⁵

^{5/} See A/63/273.

^{6/} A/63/482-484, 518 and 519.

^{7/} A/48/486-S/26560, annex.

4. *Expresses grave concern* about the critical situation in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000, as a result of unlawful Israeli practices and measures, and especially condemns all illegal Israeli settlement activities and the construction of the wall, as well as the excessive and indiscriminate use of force against the civilian population, including extrajudicial executions;

5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,¹ and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

7. *Further requests* the Special Committee to continue to investigate the treatment of the thousands of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

8. *Requests* the Secretary-General:

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its sixty-fourth session on the tasks entrusted to him in the present resolution;

9. *Decides* to include in the provisional agenda of its sixty-fourth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

*64th plenary meeting
5 December 2008
Adopted by a vote of 94 to 8,
with 73 abstentions.*

63/96.

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

The General Assembly,

Recalling its relevant resolutions, including its resolution 62/107 of 17 December 2007,

Bearing in mind the relevant resolutions of the Security Council,

Recalling the Regulations annexed to the Hague Convention IV of 1907,¹ the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,² and relevant provisions of customary law, including those codified in Additional Protocol I,³ to the four Geneva Conventions,⁴

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories⁵ and the relevant reports of the Secretary-General,⁶

^{1/} See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

^{2/} United Nations, *Treaty Series*, vol. 75, No. 973.

^{3/} *Ibid.*, vol. 1125, No. 17512.

^{4/} *Ibid.*, vol. 75, Nos. 970-973.

^{5/} See A/63/273.

^{6/} A/63/482-484, 518 and 519.

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,⁷ and also recalling General Assembly resolution ES-10/15 of 20 July 2004,

Noting in particular the Court's reply, including that the Fourth Geneva Convention² is applicable in the Occupied Palestinian Territory, including East Jerusalem, and that Israel is in breach of several of the provisions of the Convention,

Recalling the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, held on 15 July 1999, as well as the Declaration adopted by the reconvened Conference on 5 December 2001 and the need for the parties to follow up the implementation of the Declaration,

Welcoming and encouraging the initiatives by States parties to the Convention, both individually and collectively, according to article 1 common to the four Geneva Conventions, aimed at ensuring respect for the Convention,

^{7/} See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law, including international humanitarian law,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,² is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions⁴ and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004,⁷ to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions adopted by the General Assembly at its tenth emergency special session, including resolution ES-10/15, with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

5. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution.

64th plenary meeting

5 December 2008

*Adopted by a vote of 173 to 6,
with 1 abstention.*

63/97.

**Israeli settlements in the Occupied
Palestinian Territory, including East
Jerusalem, and the occupied Syrian
Golan**

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, including resolution 62/108 of 17 December 2007, as well as those resolutions adopted at its tenth emergency special session,

Recalling also relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,^{1/} to the Occupied

^{1/}United Nations, *Treaty Series*, vol. 75, No. 973.

Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention¹ and relevant provisions of customary law, including those codified in Additional Protocol I² to the four Geneva Conventions,³

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,⁴ and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,⁵

^{2/} Ibid., vol. 1125, No. 17512.

^{3/} Ibid., vol. 75, Nos. 970-973.

^{4/} See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

^{5/} See A/ES-10/273 and Corr.1, advisory opinion, para. 120; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

Taking note of the recent report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied by Israel since 1967,⁶

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993⁷ and the subsequent implementation agreements between the Palestinian and Israeli sides,

Recalling also the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,⁸ and noting specifically its call for a freeze on all settlement activity,

Aware that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other actions against the Palestinian civilian population that are contrary to international law,

Bearing in mind the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

Expressing grave concern about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, and

concerned particularly about Israel's construction and expansion of settlements in and around Occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate Occupied East Jerusalem, and in the Jordan Valley,

Expressing grave concern also about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socio-economic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Deploring settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

^{6/} See A/63/326.

^{7/} A/48/486-S/26560, annex.

^{8/} S/2003/529, annex.

Gravely concerned about the rising incidents of violence by illegal armed Israeli settlers in the Occupied Palestinian Territory against Palestinian civilians and their properties and agricultural lands,

Noting the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map,

Taking note of the relevant reports of the Secretary-General,⁹

Taking note also of the special meeting of the Security Council convened on 26 September 2008,

1. *Reaffirms* that the Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Notes* the Israeli withdrawal from within the Gaza Strip and parts of the

northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map⁸ and the need for the parties to speedily resolve all remaining issues in the Gaza Strip;

4. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem;

5. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of the relevant Security Council resolutions, including resolution 465 (1980);

6. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;⁴

7. *Reiterates its calls for* the prevention of all acts of violence and harassment by Israeli settlers, especially against Palestinian civilians and their properties and agricultural lands, and stresses the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of

^{9/} A/63/482-484, 518 and 519; see also A/63/273.

violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

8. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution.

*64th plenary meeting
5 December 2008*

*Adopted by a vote of 171 to 6,
with 2 abstentions.*

63/98.

Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling the Universal Declaration of Human Rights,¹

Recalling also the International Covenant on Civil and Political Rights,² the International Covenant on Economic, Social and Cultural Rights² and the Convention on the Rights of the Child,³ and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

^{1/} Resolution 217 A (III).

^{2/} See resolution 2200 A (XXI), annex.

^{3/} United Nations, *Treaty Series*, vol. 1577, No. 27531.

Reaffirming its relevant resolutions, including resolution 62/109 of 17 December 2007, as well as those adopted at its tenth emergency special session,

Recalling the relevant resolutions of the Commission on Human Rights and the Human Rights Council,

Recalling also the relevant resolutions of the Security Council, and stressing the need for their implementation,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories⁴ and the report of the Secretary-General,⁵

Taking note of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,⁶

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,⁷ and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

^{4/} See A/63/273.

^{5/} See A/63/273.

^{6/} A/HRC/7/17; see also A/63/326.

^{7/} See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law, and recalling in this regard its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁸ to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention⁸ under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Reaffirming that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

^{8/} United Nations, *Treaty Series*, vol. 75, No. 973.

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,⁹

Stressing also the need for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip,

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force, the use of collective punishment, the reoccupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949, the destruction of property and infrastructure, and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned about the military actions that have been carried out since 28 September 2000 and that have led to thousands of deaths among Palestinian civilians, including hundreds of children, and tens of thousands of injuries,

^{9/} S/2003/529, annex.

Expressing deep concern about the continuing deterioration in the humanitarian and security situation in the Gaza Strip, including that resulting from the Israeli military actions against civilian areas, and the prolonged closure of crossings into and out of the Gaza Strip, as well as from the firing of rockets into Israel and the negative impact of the events of June 2007 leading to the unlawful takeover of Palestinian Authority institutions in the Gaza Strip,

Expressing deep concern also about the vast destruction caused by the Israeli occupying forces to Palestinian homes, properties, vital infrastructure, agricultural lands and institutions of the Palestinian Authority, and expressing deep concern about the short- and long-term detrimental impact of such destruction on the socio-economic and humanitarian conditions and human rights of the Palestinian civilian population,

Expressing deep concern further about the Israeli policy of closures, severe restrictions, and a permit regime that obstruct the freedom of movement of persons and goods, including medical and humanitarian personnel and goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and about the consequent violation of the human rights of the Palestinian people and the negative impact on their socio-economic situation, which remains that of a dire humanitarian crisis, particularly in the Gaza Strip,

Concerned in particular about the continued establishment of Israeli checkpoints in the Occupied Palestinian Territory, including East Jerusalem, and the transformation of several of these

checkpoints into structures akin to permanent border crossings inside the Occupied Palestinian Territory, which are severely impairing the territorial contiguity of the Territory and undermining efforts and aid aimed at rehabilitating and developing the Palestinian economy, adversely affecting other aspects of the socio-economic conditions of the Palestinian people,

Expressing deep concern that thousands of Palestinians, including hundreds of children and women, continue to be held in Israeli prisons or detention centres under harsh conditions that impair their well-being, and expressing concern about the ill treatment and harassment of any Palestinian prisoners and all reports of torture,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties implement the agreements reached, and, in this regard, recalling the positive contribution of the Temporary International Presence in Hebron,

Emphasizing the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁸ and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, including extrajudicial executions, and that it respect human rights law and comply with its legal obligations in this regard;

3. *Also demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949⁸ and cease immediately all measures and actions taken in violation and in breach of the Convention, including all of its settlement activities and the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which, inter alia, gravely and detrimentally impact the human rights of the Palestinian people;

4. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, which have caused extensive loss of life and vast numbers of injuries, including among children, massive destruction of homes, properties, agricultural lands and vital infrastructure, and internal displacement of civilians;

5. *Expresses grave concern* at the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

6. *Notes* the Israeli withdrawal in 2005 from within the Gaza Strip and parts of the northern West Bank and the dismantlement of the settlements therein as a step towards the implementation of the road map;⁹

7. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem;

8. *Demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice⁷ and as demanded in resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has gravely impacted the human rights and the socio-economic living conditions of the Palestinian people;

9. *Reiterates* the need for respect for the unity and territorial contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, and to and from the outside world;

10. *Calls upon* Israel, the occupying Power, to cease its imposition of closures and restrictions on movement, and, in this regard, to implement the Agreement on

Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005;

11. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socio-economic and humanitarian situation, particularly in the Gaza Strip;

12. *Emphasizes* the need to preserve the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

13. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution.

*64th plenary meeting
5 December 2008
Adopted by 165 votes to 8,
with 4 abstentions.*

63/99.

The occupied Syrian Golan

The General Assembly,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,¹

^{1/} See A/63/273.

Deeply concerned that the Syrian Golan, occupied since 1967, has been under continued Israeli military occupation,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the most recent of which was resolution 62/110 of 17 December 2007,

Having considered the report of the Secretary-General submitted in pursuance of resolution 62/110,²

Recalling its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under international law, including the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,³ to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237 (1967) of 14 June 1967,

^{2/} A/63/482.

^{3/} United Nations, *Treaty Series*, vol. 75, No. 973.

Welcoming the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and expressing grave concern about the stalling of the peace process on all tracks,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect and demanded that Israel, the occupying Power, rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are

null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,³ and have no legal effect;

4. *Calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and from its repressive measures against the population of the occupied Syrian Golan;

5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution.

*64th plenary meeting
5 December 2008
Adopted by a vote of 171 to 1,
with 7 abstentions.*

IV. GENERAL ASSEMBLY ADOPTS FOUR RESOLUTIONS ON PALESTINE REFUGEES

At its 64th plenary meeting, convened on 5 December 2008, the General Assembly considered and adopted, under agenda item 29 of its sixty-third session, resolutions recommended by the Special Political and Decolonization Committee (Fourth Committee) (A/63/400). The resolutions adopted are reproduced below. For the verbatim record of the meeting, see A/63/PV.64. For the annual report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, see A/63/13.

63/91.

Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 194 (III) of 11 December 1948 and all its subsequent resolutions on the question, including resolution 62/102 of 17 December 2007,

Recalling also its resolution 302 (IV) of 8 December 1949, by which, inter alia, it established the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

Recalling further relevant Security Council resolutions,

Aware of the fact that, for six decades, the Palestine refugees have suffered from the loss of their homes, lands and means of livelihood,

Affirming the imperative of resolving the problem of the Palestine refugees for the achievement of justice and for the achievement of lasting peace in the region,

Acknowledging the essential role that the United Nations Relief and Works Agency for Palestine Refugees in the Near East has played for fifty-nine years since its establishment in ameliorating the plight of

the Palestine refugees through its provision of education, health, relief and social services and emergency assistance,

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 January to 31 December 2007,¹

Aware of the continuing needs of the Palestine refugees throughout all the fields of operation, namely, Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory,

Expressing grave concern at the especially difficult situation of the Palestine refugees under occupation, including with regard to their safety, well-being and socio-economic living conditions,

Expressing grave concern in particular at the humanitarian situation in the Gaza Strip, and underlining the importance of emergency and humanitarian assistance,

^{1/} *Official Records of the General Assembly, Sixty-third Session, Supplement No. 13 (A/63/13).*

Noting the signing of the Declaration of Principles on Interim Self-Government Arrangements² on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization and the subsequent implementation agreements,

Aware of the role to be played by the Multilateral Working Group on Refugees of the Middle East peace process,

1. *Notes with regret* that repatriation or compensation of the refugees, as provided for in paragraph 11 of General Assembly resolution 194 (III), has not yet been effected, and that, therefore, the situation of the Palestine refugees continues to be a matter of grave concern and the Palestine refugees continue to require assistance to meet basic health, education and living needs;

2. *Also notes with regret* that the United Nations Conciliation Commission for Palestine has been unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly resolution 194 (III), and reiterates its request to the Conciliation Commission to continue exerting efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but no later than 1 September 2009;

3. *Affirms* the necessity for the continuation of the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the importance of its unimpeded operation and its provision of services for the well-being and human development of the Palestine refugees and for the stability of the region,

pending the just resolution of the question of the Palestine refugees;

4. *Calls upon* all donors to continue to make the most generous efforts possible to meet the anticipated needs of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, including with regard to increased expenditures arising from the continuing deterioration of the socio-economic and humanitarian situation in the region, particularly in the Occupied Palestinian Territory, and those mentioned in recent emergency appeals;

5. *Decides* to commemorate the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East on the occasion of the sixtieth anniversary of its establishment at a high-level meeting to be convened on 1 October 2009, during the sixty-fourth session of the General Assembly, and encourages the participation of Member States at the ministerial level;

6. *Decides also* to invite Finland and Ireland, in accordance with the criterion set forth in General Assembly decision 60/522 of 8 December 2005, to become members of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

64th plenary meeting

5 December 2008

*Adopted by a vote of 173 to 1,
with 6 abstentions.*

^{2/} A/48/486-S/26560, annex.

63/92.

Persons displaced as a result of the June 1967 and subsequent hostilities

The General Assembly,

Recalling its resolutions 2252 (ES-V) of 4 July 1967, 2341 B (XXII) of 19 December 1967 and all subsequent related resolutions,

Recalling also Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968,

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 62/103 of 17 December 2007,¹

Taking note also of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 January to 31 December 2007,²

Concerned about the continuing human suffering resulting from the June 1967 and subsequent hostilities,

Taking note of the relevant provisions of the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993³ with regard to the modalities for the admission of persons displaced in 1967, and concerned that the process agreed upon has not yet been effected,

^{1/} A/63/315.

^{2/} *Official Records of the General Assembly, Sixty-third Session, Supplement No. 13* (A/63/13).

^{3/} A/48/486-S/26560, annex.

1. *Reaffirms* the right of all persons displaced as a result of the June 1967 and Subsequent hostilities to return to their homes or former places of residence in the territories occupied by Israel since 1967;

2. *Expresses deep concern* that the mechanism agreed upon by the parties in article XII of the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993³ on the return of displaced persons has not been complied with, and stresses the necessity for an accelerated return of displaced persons;

3. *Endorses*, in the meanwhile, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are currently displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities;

4. *Strongly appeals* to all Governments and to organizations and individuals to contribute generously to the Agency and to the other intergovernmental and non-governmental organizations concerned for the above-mentioned purposes;

5. *Requests* the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly before its sixty-fourth session on the progress made with regard to the implementation of the present resolution.

64th plenary meeting

5 December 2008

*Adopted by a vote of 172 to 6,
with 2 abstentions.*

63/93.

Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

The General Assembly ,

Recalling its resolutions 194 (III) of 11 December 1948, 212 (III) of 19 November 1948, 302 (IV) of 8 December 1949 and all subsequent related resolutions, including its resolution 62/104 of 17 December 2007,

Recalling also the relevant Security Council resolutions,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 January to 31 December 2007,¹

Taking note of the letter dated 11 June 2008 from the Chairman of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East addressed to the Commissioner-General,²

Deeply concerned about the critical financial situation of the Agency, as well as about its rising expenditures resulting from the deterioration of the socio-economic and humanitarian conditions in the region and their significant negative impact on the provision of necessary Agency services to the Palestine refugees, including its emergency-related and development programmes,

^{1/} *Official Records of the General Assembly, Sixty-third Session, Supplement No. 13 (A/63/13).*

^{2/} *Ibid.*, p. vii-ix.

Recalling Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations,³

Recalling also the Convention on the Safety of United Nations and Associated Personnel,⁴

Affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁵ to the Palestinian territory occupied since 1967, including East Jerusalem,

Aware of the continuing needs of the Palestine refugees throughout the Occupied Palestinian Territory and in the other fields of operation, namely Jordan, Lebanon and the Syrian Arab Republic,

Gravely concerned about the extremely difficult living conditions being faced by the Palestine refugees in the Occupied Palestinian Territory, including East Jerusalem, particularly in the refugee camps in the Gaza Strip, resulting, inter alia, from the loss of life and injury, the extensive destruction of their shelters, properties and vital infrastructure, the displacement of the Palestine refugees, the prolonged closures and socio-economic decline,

Aware of the extraordinary efforts being undertaken by the Agency for the repair or rebuilding of thousands of damaged or destroyed refugee shelters and for the provision of shelter and emergency

^{3/} Resolution 22 A (I).

^{4/} United Nations, *Treaty Series*, vol. 2051, No. 35457.

^{5/} *Ibid.*, vol. 75, No. 973.

aid for those refugee families internally displaced as a result of Israeli military actions, as well as for those refugees affected and displaced by the crisis in the Nahr el-Bared refugee camp in northern Lebanon, and welcoming the efforts of the Government of Lebanon and the international community to support the rebuilding by the Agency of the Nahr el-Bared camp,

Welcoming, in this regard, the pledges made at the International Donor Conference for the Recovery and Reconstruction of the Nahr el-Bared Palestine Refugee Camp and Conflict-affected Areas of Northern Lebanon, held in Vienna on 23 June 2008, and urging the early fulfilment of pledges as well as a rapid response by donors to the additional relief and recovery appeal for the Nahr el-Bared camp launched by the Agency on 11 September 2008,

Aware of the valuable work done by the Agency in providing protection to the Palestinian people, in particular Palestine refugees,

Gravely concerned about the endangerment of the safety of the Agency's staff and about the damage caused to the facilities of the Agency, in particular as a result of Israeli military operations during the reporting period,

Deploring the killing of nineteen Agency staff members by the Israeli occupying forces in the Occupied Palestinian Territory since September 2000,

Also deploring the killing and wounding of refugee children, including in the Agency's schools, by the Israeli occupying forces,

Expressing deep concern about the gravely negative impact of the continuing closures, the imposition of severe restrictions on the movement of persons and goods, and the construction of the wall, contrary to international law, in the Occupied Palestinian Territory, including in and around East Jerusalem, on the socio-economic situation of the Palestine refugees,

Deeply concerned about the continuing imposition of restrictions on the freedom of movement and access of the Agency's staff, vehicles and goods, and the injury, harassment and intimidation of the Agency's staff, which undermine and obstruct the work of the Agency, including its ability to provide essential basic and emergency services,

Aware of the agreement between the Agency and the Government of Israel,

Taking note of the agreement reached on 24 June 1994, embodied in an exchange of letters between the Agency and the Palestine Liberation Organization,⁶

1. *Reaffirms* that the functioning of the United Nations Relief and Works Agency for Palestine Refugees in the Near East remains essential in all fields of operation;

2. *Expresses its appreciation* to the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as to all of the staff of the Agency, for their tireless efforts and valuable work, particularly in the light of the difficult conditions during the past year;

^{6/} *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 13 (A/49/13), annex I.*

3. *Expresses its appreciation also to the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East of the Agency, and requests it to continue its efforts and to keep the General Assembly informed of its activities;*

4. *Takes note with appreciation of the report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East⁷ and the efforts of the Working Group to assist in ensuring the financial security of the Agency, and requests the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work;*

5. *Commends the continuing efforts of the Commissioner-General to increase the budgetary transparency and efficiency of the Agency, as reflected in the Agency's programme budget for the biennium 2008–2009⁸ and in its comprehensive, three-year organizational development plan;*

6. *Requests the Secretary-General to support the institutional strengthening of the Agency through the provision of sufficient financial resources from the regular budget of the United Nations;*

7. *Endorses, meanwhile, the efforts of the Commissioner-General to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are internally displaced and in serious*

need of continued assistance as a result of recent crises in the Occupied Palestinian Territory and Lebanon;

8. *Acknowledges the important support provided by the host Governments to the Agency in the discharge of its duties;*

9. *Encourages the Agency, in close cooperation with other relevant United Nations entities, to continue making progress in addressing the needs and rights of children and women in its operations in accordance with the Convention on the Rights of the Child⁹ and the Convention on the Elimination of All Forms of Discrimination against Women,¹⁰ respectively;*

10. *Expresses concern about the continuing relocation of the international staff of the Agency from its headquarters in Gaza City and the disruption of operations at the headquarters due to the deterioration and instability of the situation on the ground;*

11. *Calls upon Israel, the occupying Power, to comply fully with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;⁵*

12. *Also calls upon Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations³ in order to ensure the safety of the personnel of the Agency, the protection of*

^{7/} A/63/375.

^{8/} *Official Records of the General Assembly, Sixty-second Session, Supplement No. 13A (A/62/13/Add.1).*

^{9/} United Nations, *Treaty Series*, vol. 1577, No. 27531.

^{10/} *Ibid.*, vol. 1249, No. 20378.

its institutions and the safeguarding of the security of its facilities in the Occupied Palestinian Territory, including East Jerusalem;

13. *Urges* the Government of Israel to speedily compensate the Agency for damage to its property and facilities resulting from actions by the Israeli side and to expeditiously reimburse the Agency for all transit charges incurred and other financial losses sustained by the Agency as a result of delays and restrictions on movement and access imposed by Israel;

14. *Calls upon* Israel particularly to cease obstructing the movement and access of the staff, vehicles and supplies of the Agency and to cease the levying of extra fees and charges, which affect the Agency's operations detrimentally;

15. *Requests* the Commissioner-General to proceed with the issuance of identification cards for Palestine refugees and their descendants in the Occupied Palestinian Territory;

16. *Reiterates its request* to the Commissioner-General to proceed with the modernization of the archives of the Agency through the Palestine Refugee Records Project, and to indicate progress in her report to the General Assembly at its sixty-fourth session;

17. *Notes* the success of the Agency's microfinance and microenterprise programmes, and calls upon the Agency, in close cooperation with the relevant agencies, to continue to contribute to the development of the economic and social stability of the Palestine refugees in all fields of operation;

18. *Reiterates its appeals* to all States, specialized agencies and non-governmental organizations to continue and to augment the special allocations for grants and scholarships for higher education to Palestine refugees in addition to their contributions to the regular budget of the Agency and to contribute to the establishment of vocational training centres for Palestine refugees, and requests the Agency to act as the recipient and trustee for the special allocations for grants and scholarships;

19. *Urges* all States, specialized agencies and non-governmental organizations to continue and to increase their contributions to the Agency so as to ease the ongoing financial constraints, exacerbated by the current humanitarian situation on the ground that has resulted in rising expenditures, in particular with regard to emergency services, and to support the Agency's valuable and necessary work in assisting the Palestine refugees in all fields of operation.

64th plenary meeting

5 December 2008

*Adopted by a vote of 172 to 6,
with 1 abstention.*

63/94.

Palestine refugees' properties and their revenues

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948 and 36/146 C of 16 December 1981 and all its subsequent resolutions on the question,

Taking note of the report of the Secretary-General submitted pursuant to its resolution 62/105 of 17 December 2007,¹ as well as that of the United Nations Conciliation Commission for Palestine for the period from 1 September 2007 to 31 August 2008,²

Recalling that the Universal Declaration of Human Rights³ and the principles of international law uphold the principle that no one shall be arbitrarily deprived of his or her property,

Recalling in particular its resolution 394 (V) of 14 December 1950, in which it directed the Conciliation Commission, in consultation with the parties concerned, to prescribe measures for the protection of the rights, property and interests of the Palestine refugees,

Noting the completion of the programme of identification and evaluation of Arab property, as announced by the Conciliation Commission in its twenty-second progress report,⁴ and the fact that the Land Office had a schedule of Arab owners and a file of documents defining the location, area and other particulars of Arab property,

Expressing its appreciation for the preservation and modernization of the existing records, including the land records, of the Conciliation Commission and the importance of such records for a just resolution of the plight of the Palestine

refugees in conformity with resolution 194 (III),

Recalling that, in the framework of the Middle East peace process, the Palestine Liberation Organization and the Government of Israel agreed, in the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993,⁵ to commence negotiations on permanent status issues, including the important issue of the refugees,

1. *Reaffirms* that the Palestine refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of equity and justice;

2. *Requests* the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection of Arab property, assets and property rights in Israel;

3. *Calls once again upon* Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;

4. *Calls upon* all the parties concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel that would assist him in the implementation of the present resolution;

5. *Urges* the Palestinian and Israeli sides, as agreed between them, to deal with the important issue of Palestine refugees' properties and their revenues within the

^{1/} A/63/269.

^{2/} See A/63/317.

^{3/} Resolution 217 A (III).

^{4/} *Official Records of the General Assembly, Nineteenth Session, Annexes, Annex No. 11, document A/5700.*

^{5/} A/48/486-S/26560, annex.

framework of the final status negotiations of the Middle East peace process;

6. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution.

*64th plenary meeting
5 December 2008,
Adopted by a vote of 173 to 6,
with 2 abstentions.*

V. SPECIAL RAPPORTEUR CALLS FOR PROTECTION OF GAZA CIVILIANS

The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, issued the following statement on 9 December 2008 (Press release HR/08/157).

In recent days the desperate plight of the civilian population of Gaza has been acknowledged by such respected international figures as the Secretary-General of the United Nations, the President of the General Assembly, and the UN High Commissioner for Human Rights.

Last week, Karen AbyZayd, who heads the UN relief effort in Gaza, offered first-hand confirmation of the desperate urgency and unacceptable conditions facing the civilian population of Gaza. Although many leaders have commented on the cruelty and unlawfulness of the Gaza blockade imposed by Israel, such a flurry of denunciations by normally cautious UN officials has not occurred on a global level since the heyday of South African apartheid.

And still Israel maintains its Gaza siege in its full fury, allowing only barely enough food and fuel to enter to stave off mass famine and disease. Such a policy of collective punishment, initiated by Israel to punish Gazans for political developments within the Gaza Strip, constitutes a continuing flagrant and massive violation of

international humanitarian law as laid down in article 33 of the Fourth Geneva Convention.

It is long past the time when talk suffices. As AbuZayd has written, "the chasm between word and deed" with respect to upholding human rights in occupied Palestine creates a situation where "radicalism and extremism easily take root." The UN is obligated to respond under these conditions. Some governments of the world are complicit by continuing their support politically and economically for Israel's punitive approach.

Protective action must be taken immediately to offset the persisting and wide-ranging violations of the fundamental human right to life, and in view of the emergency situation that is producing a humanitarian catastrophe that is unfolding day by day. However difficult politically, it is time to act. At the very least, an urgent effort should be made at the United Nations to implement the agreed norm of a "responsibility to protect" a civilian population being collectively punished by

policies that amount to a Crime Against Humanity.

In a similar vein, it would seem mandatory for the International Criminal Court to investigate the situation, and determine whether the Israeli civilian leaders and military commanders responsible for the Gaza siege should be indicted and prosecuted for violations of international criminal law. As AbuZayd has declared, "This is a humanitarian crisis deliberately imposed by political actors".

It should be noted that the situation worsened in recent days due to the breakdown of a truce between Hamas and Israel that had been observed for several months by both sides. The truce was maintained by Hamas despite the failure of

Israel to fulfil its obligation under the agreement to improve the living conditions of the people of Gaza.

The recent upsurge of violence occurred after an Israeli incursion that killed several alleged Palestinian militants within Gaza. It is a criminal violation of international law for elements of Hamas or anyone else to fire rockets at Israeli towns regardless of provocation, but such Palestinian behaviour does not legalize Israel's imposition of a collective punishment of a life- and health-threatening character on the people of Gaza, and should not distract the UN or international society from discharging their fundamental moral and legal duty to render protection to the Palestinian people.

VI. GENERAL ASSEMBLY ADOPTS RESOLUTION ON ASSISTANCE TO THE PALESTINIAN PEOPLE

On 11 December 2008, at the 68th plenary meeting of its sixty-third session, the General Assembly considered agenda item 65 (c) on assistance to the Palestinian people and adopted resolution 63/140 without a vote. The text of the resolution is reproduced below. For the verbatim record of the meeting, see A/63/PV.68.

The General Assembly,

Recalling its resolution 62/93 of 17 December 2007, as well as previous resolutions on the question,

Recalling also the signing of the Declaration of Principles on Interim Self-Government Arrangements in Washington, D.C., on 13 September 1993, by the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,¹ and the subsequent implementation agreements concluded by the two sides,

Recalling further all relevant international law, including humanitarian and human rights law, and, in particular, the International Covenant on Civil and Political Rights,² the International Covenant on Economic, Social and Cultural Rights,² the Convention on the Rights of the Child,³ and the Convention on the Elimination of All Forms of Discrimination against Women,⁴

^{2/} See resolution 2200 A (XXI), annex.

^{3/} United Nations, *Treaty Series*, vol. 1577, No. 27531.

^{4/} *Ibid.*, vol. 1249, No. 20378.

^{1/} A/48/486-S/26560, annex.

Gravely concerned at the deterioration in the living conditions of the Palestinian people, in particular women and children, throughout the Occupied Palestinian Territory, which constitutes a mounting humanitarian crisis,

Conscious of the urgent need for improvement in the economic and social infrastructure of the occupied territory,

Welcoming, in this context, the development of projects, notably on infrastructure, to revive the Palestinian economy and improve the living conditions of the Palestinian people, stressing the need to create the appropriate conditions to facilitate the implementation of these projects, and noting the contribution of partners in the region and the international community,

Aware that development is difficult under occupation and is best promoted in circumstances of peace and stability,

Noting the great economic and social challenges facing the Palestinian people and their leadership,

Emphasizing the importance of the safety and well-being of all people, in particular women and children, in the whole Middle East region,

Deeply concerned about the negative impact, including the health and psychological consequences, of violence on the present and future well-being of children in the region,

Conscious of the urgent necessity for international assistance to the Palestinian

people, taking into account the Palestinian priorities,

Expressing grave concern about the humanitarian situation in Gaza, and underlining the importance of emergency and humanitarian assistance,

Welcoming the results of the Conference to Support Middle East Peace, convened in Washington, D.C., on 1 October 1993, the establishment of the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians and the work being done by the World Bank as its secretariat and the establishment of the Consultative Group, as well as all follow-up meetings and international mechanisms established to provide assistance to the Palestinian people,

Underlining the importance of the International Donors' Conference for the Palestinian State, held in Paris on 17 December 2007, in mobilizing donors to provide financial and political support for the Palestinian Authority and, in the meantime, also to provide assistance to alleviate the socio-economic and humanitarian situation being faced by the Palestinian people, and welcoming the meetings of the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians, held in London on 2 May 2008 and in New York on 22 September 2008,

Welcoming the plan to resume the activities of the Joint Liaison Committee, which provides a forum in which economic policy and practical matters related to donor assistance are discussed with the Palestinian Authority,

Stressing the need for the full engagement of the United Nations in the process of building Palestinian institutions and in providing broad assistance to the Palestinian people, and welcoming in this regard the support provided to the Palestinian Authority by the Task Force on Palestinian Reform, established by the Quartet in 2002,

Welcoming the outcome of the Berlin Conference in Support of Palestinian Civil Security and the Rule of Law, held on 24 June 2008, and calling for its speedy implementation,

Welcoming also the convening of the Palestine Investment Conference, held in Bethlehem from 21 to 23 May 2008, aimed at promoting an enabling environment for Palestinian private sector growth and development,

Welcoming further the action of the Special Representative of the Quartet, Tony Blair, charged with developing, with the Government of the Palestinian Authority, a multi-year agenda to strengthen institutions, promote economic development and mobilize international funds,

Welcoming the continuing calm between Gaza and southern Israel, and expressing hope that this calm will persist and result in further relief for the civilian population of Gaza, including the regular opening of the crossings for the movement of persons and goods, for both humanitarian and commercial flows,

Noting the active participation of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to

the Palestine Liberation Organization and the Palestinian Authority in the activities of the Special Envoys of the Quartet,

Welcoming the endorsement by the Security Council, in its resolution 1515 (2003) of 19 November 2003, of the performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict,⁵ and stressing the need for its implementation and compliance with its provisions,

Noting the Israeli withdrawal from the Gaza Strip in 2005 and parts of the northern West Bank as a step towards implementation of the road map,

Commending the continuous efforts made by both parties since the convening of the international conference in Annapolis, United States of America, on 27 November 2007, in order to reach an agreement as soon as possible, so as to ensure the establishment of an independent, democratic and viable Palestinian state, living in peace and security alongside Israel,

Having considered the report of the Secretary-General,⁶

Expressing grave concern about the continuation of the tragic and violent events that have led to many deaths and injuries, including among children and women,

1. *Takes note* of the report of the Secretary-General;⁶

2. *Expresses its appreciation* to the Secretary-General for his rapid response and

^{5/} S/2003/529, annex.

^{6/} A/62/75-E/2008/52.

efforts regarding assistance to the Palestinian people;

3. *Also expresses its appreciation* to the Member States, United Nations bodies and intergovernmental, regional and non-governmental organizations that have provided and continue to provide assistance to the Palestinian people;

4. *Stresses* the importance of the work of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority and of the steps taken under the auspices of the Secretary-General to ensure the achievement of a coordinated mechanism for United Nations activities throughout the occupied territories;

5. *Urges* Member States, international financial institutions of the United Nations system, intergovernmental and non-governmental organizations and regional and interregional organizations to extend, as rapidly and as generously as possible, economic and social assistance to the Palestinian people, in close cooperation with the Palestine Liberation Organization and through official Palestinian institutions;

6. *Welcomes*, in this regard, the meeting of the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians and the significant results of the Paris International Donors' Conference for the Palestinian State which succeeded in mobilizing the international community and led to the disbursement of 1.36 billion United States dollars in budgetary support as of 22 September 2008;

7. *Stresses* the importance of following up on the results of the Paris Conference, including calls upon donors that have not yet converted their budget support pledges into disbursements to transfer funds as soon as possible, encourages all donors to increase their direct assistance to the Palestinian Authority in accordance with its government programme in order to enable it to build a viable and prosperous Palestinian state, underlines the need for equitable burden sharing by donors in this effort, and encourages donors to consider aligning funding cycles with the Palestinian Authority's national budget cycle;

8. *Calls upon* relevant organizations and agencies of the United Nations system to intensify their assistance in response to the urgent needs of the Palestinian people in accordance with priorities set forth by the Palestinian side;

9. *Calls upon* the international community to provide urgently needed assistance and services in an effort to alleviate the dire humanitarian situation being faced by Palestinian women, children and their families and to help in the reconstruction of relevant Palestinian institutions;

10. *Stresses* the role that all funding instruments, including the European Commission's Palestinian-European Mechanism for the Management of Socio-Economic Aid and the World Bank trust fund, have been playing in directly assisting the Palestinian people;

11. *Urges* Member States to open their markets to exports of Palestinian products on the most favourable terms,

consistent with appropriate trading rules, and to implement fully existing trade and cooperation agreements;

12. *Calls upon* the international donor community to expedite the delivery of pledged assistance to the Palestinian people to meet their urgent needs;

13. *Stresses*, in this context, the importance of ensuring free humanitarian access to the Palestinian people and the free movement of persons and goods;

14. *Also stresses* the need for the full implementation by both parties of the Agreement on Movement and Access and of the Agreed Principles for the Rafah Crossing, of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population, as well as for imports and exports, within and into and out of the Gaza Strip;

15. *Urges* the international donor community, United Nations agencies and organizations and non-governmental organizations to extend to the Palestinian people, as rapidly as possible, emergency economic assistance and humanitarian assistance, particularly in the Gaza Strip, to counter the impact of the current crisis;

16. *Stresses* the need for the continued implementation of the Paris

Protocol on Economic Relations of 29 April 1994, fifth annex to the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed in Washington, D.C., on 28 September 1995,⁷ including with regard to the full, prompt and regular transfer of Palestinian indirect tax revenues;

17. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-fourth session, through the Economic and Social Council, on the implementation of the present resolution, containing:

(a) An assessment of the assistance actually received by the Palestinian people;

(b) An assessment of the needs still unmet and specific proposals for responding effectively to them;

18. *Decides* to include in the provisional agenda of its sixty-fourth session the sub-item entitled “Assistance to the Palestinian people”.

*68th plenary meeting
11 December 2008*

⁷ A/51/889-S/1997/357, annex.

**VII. COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS
OF THE PALESTINIAN PEOPLE CONVENES UNITED NATIONS
LATIN AMERICAN AND CARIBBEAN MEETING, FOLLOWED
BY A PUBLIC FORUM IN SUPPORT OF
ISRAELI-PALESTINIAN PEACE**

On 11 and 12 December 2008, the Committee on the Exercise of the Inalienable Rights of the Palestinian People convened the United Nations Latin American and Caribbean Meeting in Support of Israeli-Palestinian Peace at the Headquarters of the Economic Commission for Latin America and the Caribbean in Santiago, Chile. The Meeting was followed on 13 December by the United Nations Public Forum in Support of Israeli-Palestinian Peace. The Concluding Remarks of the Organizers are reproduced below. For additional information, see Press releases GA/PAL/1103-1108).

1. The United Nations Latin American and Caribbean Meeting in Support of Israeli-Palestinian Peace was held at ECLAC Headquarters in Santiago, on 11 and 12 December 2008, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. Participants in the Meeting included internationally renowned experts - including Israeli and Palestinian - representatives of United Nations Members and Observers, parliamentarians, representatives of the United Nations system and other intergovernmental organizations, representatives of civil society and the media.

2. The objective of the Meeting was to foster greater international support, including by Latin American and Caribbean States, for the efforts at advancing the Israeli-Palestinian political process and achieving a solution to the conflict based on a shared vision of two States, Israel and Palestine, living side by side in peace and security. Participants discussed ways of consolidating and synergizing current international peace efforts, and considered how Latin American and Caribbean States could effectively contribute to these efforts through their action in national and intergovernmental mechanisms.

3. Participants noted that the year 2008 marked 60 years of Palestinian dispossession, or the Nakba, when hundreds of thousands of Palestinians had been forced to leave their homes and properties as a result of the Arab-Israeli hostilities in 1948. They observed that, 60 years later, the Palestinian people were still deprived of their inalienable national rights, including the right to self-determination and to their own independent State on all of the Palestinian Territory occupied in 1967, including East Jerusalem. The Palestine refugees registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) today number over 4.6 million. They have yet to claim their inalienable right of return and remain in limbo in neighbouring Middle East countries, until a just and lasting solution to end their plight has been achieved. Participants reiterated the permanent responsibility of the United Nations towards the question of Palestine until it is resolved in all its aspects, in accordance with international law.

4. Participants welcomed the level of engagement by major stakeholders, including from Latin America and the Caribbean, demonstrated at and after the Annapolis Conference and Paris Donors'

Conference of 2007, that led to the resumption of permanent status negotiations between Israel and the Palestinians, and substantial support for the Palestinian Authority and its economic reform and development programme. They deplored the fact that the stated goal of reaching a permanent settlement by the end of 2008 had not been achieved. At the same time, they expressed their firm conviction that there was no alternative to continuing the negotiations and to strengthening international support for the process, as there was no alternative to a two-State solution.

5. Participants felt strongly that the negotiations had to be buttressed by tangible improvements in the situation on the ground. Most immediately, violence from either side, including Israeli military attacks, destruction and acts of terror, had to stop and extremists from both sides restrained. Settlement expansion, including in and around East Jerusalem, had to cease completely, as had the confiscation of Palestinian land and destruction of Palestinian homes. The separation wall must be dismantled, in keeping with the advisory opinion of the International Court of Justice. The siege of the Gaza Strip needed to be lifted and the humanitarian situation drastically improved. The complex and vast system of checkpoints and closures in the West Bank had to be abolished and normal economic and social activity restored. Palestinian institutions in East Jerusalem should be allowed to resume their legitimate functioning.

6. Participants emphasized that a critical condition for achieving a permanent settlement of the conflict was an end of the Israeli occupation of the Palestinian Territory occupied in 1967, including East

Jerusalem. The Palestinian people should be allowed to establish, on this Territory, a sovereign and independent State, with East Jerusalem as its capital, and should be able to exercise their inalienable rights.

7. Participants expressed serious concern about the situation on the ground, especially regarding the humanitarian consequences for the Palestinian population in Gaza as a result of the Territory's closure. They noted that the six-month period of calm in Gaza and southern Israel had been observed for most of the time, but has recently been disrupted. Participants strongly encouraged the parties to maintain it and to extend it to the other parts of the Occupied Palestinian Territory. They expressed their alarm, however, that it had not lead to a recovery of the situation in Gaza, since Israel had not lifted the almost complete closure. They felt that any future improvement of the situation in and around Gaza was very much dependent of Israel's political will and readiness to normalize life in the Strip.

8. Participants called upon the Palestinian leadership, the leaders of all factions and all Palestinians to unite in support of President Abbas, his Government, and resolve their political differences peacefully. Participants encouraged a comprehensive national dialogue supported by confidence-building measures to start a process of regaining national unity and reunifying Gaza and the West Bank under the Palestinian Authority. It was of paramount importance that the various Palestinian organizations and factions put the national interests and aspirations of the Palestinian people above all partisan concerns. Participants firmly believed that the unity of the Palestinian people was an essential condition for achieving a viable solution of the question of Palestine.

9. Participants expressed serious concern that Israel, the occupying Power, was not abiding by its obligations under the Fourth Geneva Convention to provide protection to the civilian population under occupation. The applicability of the Convention to the Occupied Palestinian Territory, including East Jerusalem, had been repeatedly confirmed by the Conference of the High Contracting Parties, as well as by the United Nations General Assembly, Security Council and the International Court of Justice. Participants also underscored the illegality of the continuing settlement expansion by Israel and called for freezing, immediately, all settlement activity and dismantling all settlement outposts.

10. Participants recalled the 2004 advisory opinion of the International Court of Justice, which clearly stated that the construction of the wall was illegal under international law, and insisted on its removal. They emphasized the need for a more serious action by the international community challenging the presence of the wall in the Occupied Palestinian Territory. Participants noted that the mandate of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory should be fully supported and implemented without delay.

11. Participants agreed that a negotiated solution to the issue of Jerusalem, based on international law, was absolutely central to resolving the Israeli-Palestinian conflict and fundamental for a lasting peace in the whole region. They expressed serious concern that the Israeli policies and actions in East Jerusalem included the issuance of demolition orders against Palestinian properties, the forcing out of Palestinian Jerusalemites from the city, and the severing

of the city from the rest of the West Bank through the expansion of settlements and the construction of the separation wall. In this connection, they stated that the status of Jerusalem as part of the Occupied Palestinian Territory could only be resolved through negotiations and in full accordance with relevant United Nations resolutions.

12. Participants expressed the view that the political process towards achieving a two-State solution could benefit from the experience of Latin American and Caribbean States in their quest for independence and sovereignty, as well as the experience of the sub-continent on the path to economic independence and sustainable development. They further stressed the important role played by Latin American and Caribbean States in wider efforts aimed at the continuation of the political process and the settlement of the Israeli-Palestinian conflict. In this context, they called for enhancing South and Central America's contribution to the Middle East peace process, and encouraged increased action in regional and international forums. The role of the Group of Latin American and Caribbean States at the United Nations, especially in the Security Council and General Assembly, was accorded special attention, as was the role of the national parliaments and parliamentarians in supporting a peaceful solution of the Israeli-Palestinian conflict.

13. Participants were apprised of the various initiatives of civil society in the region in support of Israeli-Palestinian peace, and in solidarity with the Palestinian people, and commended their representatives for their determined efforts to help Palestinians on the ground and Palestinian refugees elsewhere to cope with the

consequences of occupation. They encouraged the sizeable Arab and Jewish communities in Chile and other countries of the region to stay engaged and collaborate with the worldwide movement of civil society organizations to end war, violence and occupation.

14. Participants reiterated that a comprehensive, just and lasting solution of the Israeli-Palestinian conflict could only be found in accordance with international law and based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), and all other relevant United Nations resolutions. The Arab Peace Initiative remained an important element for advancing peace in the region and should be seized upon. The continued support of the international community was crucial for

advancing the negotiations, namely, a consistent and sustainable effort by the Quartet and the regional partners with both parties. The hope was expressed that the Israeli-Palestinian negotiations would continue uninterrupted in the immediate period ahead. Participants encouraged the incoming United States Administration to attribute highest priority to the Middle East peace process and engage the parties without delay.

15. Participants expressed their appreciation and gratitude to the Government of Chile and ECLAC for hosting the United Nations Meeting, and for the assistance and support extended to the Committee and the United Nations Secretariat in its preparation and conduct.

VIII. QUARTET REAFFIRMS SUPPORT FOR ISRAELI-PALESTINIAN NEGOTIATIONS

Following is the text of the statement issued on 15 December 2008 in New York by the Quartet (United Nations, Russian Federation, United States of America and European Union), as contained in Press release SG/2147.

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 - endorsed the following statement on the situation in the Middle East. They were joined by Quartet Representative Tony Blair.

The Quartet reaffirmed support for the bilateral, comprehensive, direct, uninterrupted, confidential and ongoing

Israeli-Palestinian negotiations, and commended Israel and the Palestinians for their continuous efforts to conclude a peace treaty resolving all outstanding issues without exception, as stated by Palestinian President Mahmoud Abbas and Israeli Foreign Minister Tzipi Livni during their 9 November briefing in Sharm el-Sheikh. The Quartet expressed its considered view that the bilateral negotiations process launched at Annapolis is irreversible and that these negotiations should be intensified in order to put an end to the conflict and to establish, as soon as possible, the State of Palestine, living side by side in peace and security with Israel. The Quartet affirmed that a final treaty and a lasting peace will be reached

through simultaneous and mutually reinforcing efforts on three tracks: negotiations; building the institutions of a Palestinian state - including facilitating economic development through an improvement of conditions on the ground; and implementation of the parties' obligations under the road map, as stated in the Annapolis Joint Understanding.

Taking note of the resolutions adopted by the Arab League on 26 November, the Quartet reiterated that a lasting solution to the situation in Gaza can only be achieved through peaceful means. It 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 commitments of the Palestinian Liberation Organization (PLO) - the legitimate and internationally recognized representative of the Palestinian people - would be an important factor in this process.

The Quartet reiterated its support for the Egyptian-brokered calm that came into effect on 19 June 2008, urged that it be respected and extended, and expressed the hope that it would lead to improved security and humanitarian conditions for Israelis and Palestinians alike, actions to alleviate humanitarian conditions and the restoration of normal civilian life in Gaza. In this regard, the Quartet expressed concern that the Egyptian-brokered calm had been challenged, condemned indiscriminate attacks on Israel and called for an immediate cessation of violence. The Quartet stated its acute concern regarding the recent increase in the closures of crossing points in response to violence in Gaza, which have limited the range and quantity of basic commodities, humanitarian supplies and Palestinian

Authority and United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) currency needs available in Gaza, worsening the economic and humanitarian situation on the ground. The Quartet emphasized that the provision of humanitarian supplies, including food, fuel, pharmaceuticals, water and sewage maintenance items, to the people in Gaza must be assured continuously. The Quartet also reiterated its previous call for Israel to allow into Gaza sufficient materials to facilitate the resumption of stalled United Nations and other donor projects and expressed its support for the efforts of the Secretary-General and Quartet Representative Blair in this regard. The Quartet called for the immediate and unconditional release of Israeli Corporal Gilad Shalit.

The Quartet called on all States to demonstrate their support for the Annapolis process and their commitment to the two-State solution by contributing to an environment conducive to an end to the conflict. In this regard, it noted that lasting peace can only be based on an enduring commitment to freedom, security, justice, dignity, respect and mutual recognition, the propagation of a culture of peace and non-violence, and the confrontation of terrorism and incitement, and the two-State solution, building upon previous agreements and obligations. Responding to the request of the parties, international donors have pledged at the Paris conference unprecedented levels of support for the success of Annapolis, providing an essential element of stability as the process unfolded.

The Quartet further called on all States and international organizations to continue to provide economic assistance in a spirit of equitable burden-sharing to the legitimate Palestinian government, which accepts the Quartet principles, in the areas of security

reform, institution- and capacity-building, economic development and through the fulfilment of pledges. The Quartet called for a redoubling of support for Palestinian efforts to develop a sustainable economy that promotes growth, employs its people and integrates into the global economic system. Significant improvements of access and movement and security are indispensable in that context.

The Quartet commended the Palestinian Authority for its progress in security performance and welcomed the robust Israeli-Palestinian cooperation for the expansion of security and law and order in the West Bank, most notably in Jenin and Hebron. The Quartet viewed the successful deployment of the Palestinian security services to Hebron as the most recent demonstration of the substantial progress that has been made since Annapolis.

Reminding the parties of their renewed commitment at Annapolis to implement their road map obligations, the Quartet called on the Palestinians to continue their efforts to reform the security services and

dismantle the infrastructure of terrorism. The Quartet also called on Israel to freeze all settlement activities, which have a negative impact on the negotiating environment and on Palestinian economic recovery, and to address the growing threat of settler extremism. The Quartet urged further progress on the ground in the period ahead in fulfilment of the package of measures of Quartet Representative Blair.

The Quartet offered its support for an intensification of diplomatic efforts towards peaceful coexistence among all States in the region and a just, lasting, and comprehensive peace in the Middle East based on United Nations Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1402 (2002) and 1515 (2003). In this context, the Quartet welcomed efforts to reinvigorate the Arab Peace Initiative, as part of a comprehensive approach for the resolution of the Arab-Israeli conflict, and looked forward to an intensification of Israeli-Syrian negotiations. The Quartet supported, in consultation with the parties, an international meeting in Moscow in 2009.

IX. SECURITY COUNCIL ENDORSES ANNAPOLIS PROCESS

The Security Council, at its 6045th meeting on 16 December 2008, adopted resolution 1850 (2008), reproduced below. For a verbatim record of the meeting, see document S/PV.6045.

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 242 (1967), 338 (1973), 1397 (2002), and 1515 (2003) and the Madrid principles,

Reiterating its vision of a region where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders,

Welcoming the 9 November 2008 statement from the Quartet and the Israeli-Palestinian Joint Understanding announced at the November 2007 Annapolis Conference, including in relation to implementation of the performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict,

Noting also that lasting peace can only be based on an enduring commitment to

mutual recognition, freedom from violence, incitement, and terror, and the two-State solution, building upon previous agreements and obligations,

Noting the importance of the 2002 Arab Peace Initiative,

Encouraging the Quartet's ongoing work to support the parties in their efforts to achieve a comprehensive, just and lasting peace in the Middle East,

1. *Declares* its support for the negotiations initiated at Annapolis, Maryland on 27 November 2007 and its commitment to the irreversibility of the bilateral negotiations;

2. *Supports* the parties' agreed principles for the bilateral negotiating process and their determined efforts to reach their goal of concluding a peace treaty resolving all outstanding issues, including all core issues, without exception, which confirm the seriousness of the Annapolis process;

3. *Calls on* both parties to fulfil their obligations under the performance-based road map, as stated in their Annapolis Joint Understanding, and refrain from any

steps that could undermine confidence or prejudice the outcome of negotiations;

4. *Calls on* all States and international organizations to contribute to an atmosphere conducive to negotiations and to support the Palestinian government that is committed to the Quartet principles and the Arab Peace Initiative and respects the commitments of the Palestinian Liberation Organization, to assist in the development of the Palestinian economy, to maximize the resources available to the Palestinian Authority, and to contribute to the Palestinian institution-building programme in preparation for statehood;

5. *Urges* an intensification of diplomatic efforts to foster in parallel with progress in the bilateral process mutual recognition and peaceful coexistence between all States in the region in the context of achieving a comprehensive, just and lasting peace in the Middle East;

6. *Welcomes* the Quartet's consideration, in consultation with the parties, of an international meeting in Moscow in 2009;

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

X. SECURITY COUNCIL HOLDS OPEN DEBATE ON MIDEAST SITUATION, INCLUDING THE PALESTINIAN QUESTION

On 18 December 2008, at its 6049th meeting the Security Council, held an open debate on "The situation in the Middle East, including the Palestinian question". At that meeting, the Security Council heard a briefing by Robert H. Serry, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, which is excerpted below. For a verbatim record of the meeting, see documents S/PV.6049 and S/PV.6049 (Resumption 1).

I am honoured to brief the Council two days after the adoption of resolution 1850 (2008). The Secretary-General welcomes

this timely and important resolution, which embodies the principles on which Israeli-Palestinian peace must rest. The resolution

came a day after the Quartet affirmed the need to intensify the political process and address acute challenges on the ground. The Secretary-General also chaired a meeting of the Quartet with members and representatives of the League of Arab States in a framework of collaboration that is essential to the search for peace in the region. The international community has sent a clear and united message of its commitment to the irreversibility of the process leading to the creation of a Palestinian State living in peace alongside a secure Israel.

Preparations for the Israeli general election scheduled for 10 February 2009 have continued, with many political parties holding primaries. A new United States administration takes office on 20 January. There are also internal challenges on the Palestinian side. We are therefore in a period of transition. The immediate priority is to sustain the process during transition by building a solid bridge to carry us through the fragile period ahead. In this regard, a priority must be to ensure calm in and around Gaza and to urgently improve humanitarian conditions. The decision of the Arab League to ensure no vacuum on the Palestinian side, support the legitimate Palestinian Government and pursue Palestinian unity demands support. It is critically important to pursue specific action items to continue improving conditions on the ground in the West Bank. We must protect, preserve and, where possible, advance the three tracks of the Annapolis process - negotiations, institution-building and phase 1 road map implementation - and set the stage for a decisive push for peace in 2009.

Let me turn first to the situation in and around Gaza. Six months ago today, a

tahdiya, or calm, brokered by Egypt came into effect. After a period in which civilian casualties had reached alarming proportions, Palestinians and Israelis enjoyed a respite from daily terror and violence, and many civilian lives were doubtless saved.

But for the past six weeks, this calm has been gravely challenged. Since Mr. Pascoe briefed the Council on 25 November, a further four Palestinians, including two children, have been killed in Gaza and 18 others have been injured. Eight Israeli soldiers and four civilians have been injured by rocket and mortar attacks, more than 130 of which, including 30 in the past two days, were fired from Gaza towards Israeli towns and at the crossings through which civilians, United Nations and other humanitarian workers and all goods entering the Strip must pass. We condemn rocket attacks and call for their immediate cessation.

Egyptian efforts to secure the preservation and extension of the calm are continuing. Through ongoing contacts in Cairo, Israel and Gaza, we are strongly supporting these efforts. There have been heightened rhetoric and continued violence in recent days, with an increase in rocket-firing and a resumption of Israeli air strikes. I am extremely concerned by statements from Hamas that the calm expires today and questioning its renewal. A major escalation of violence would have grave consequences for the protection of civilians in Israel and Gaza, the welfare of the Gazan civilian population, and the sustainability of political efforts. On behalf of Secretary-General Ban Ki-moon, I make today a direct and urgent appeal for the calm to be respected and extended.

I also strongly appeal for basic humanitarian principles to be continuously

observed. During the reporting period, access has been restricted for goods coming into the Strip, as well as for diplomats, United Nations staff and humanitarian workers and international press. Between 23 November and 17 December, 614 truckloads of supplies entered Gaza — a daily average of 29. The daily average in October was 123, and in May last year it was 475. Small amounts of supplies have been brought into Gaza by sea.

The unprecedented level of closure of crossing points into Gaza has caused unacceptable hardship to the civilian population. As of today, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has had again to suspend, for the time being, all food distributions. Price increases have resulted in Gazans now spending approximately two thirds of their income on food. There are also reported shortages of some food items, as well as cooking gas. Limitations on cash allowed into Gaza have left beneficiaries of humanitarian organizations, Palestinian Authority employees and pensioners unable to collect salaries, pensions and welfare payments, and forced UNRWA to suspend cash assistance to 94,000 beneficiaries. A one-time transfer of 100 million new Israeli shekels has alleviated this crisis for now, but as stressed in a recent letter from Quartet Representative Blair and the Presidents of the International Monetary Fund and the World Bank, a predictable mechanism for the transfer of cash is required.

Reductions in the import of fuel have resulted in regular power outages across Gaza. Half of Gaza City's population receives water only once a week for a few hours, and other areas of Gaza receive water for a few hours on alternating days. United

Nations projects worth over \$150 million, including six priority projects identified by the Secretary-General in May, remain suspended due to a lack of materials.

The Secretary-General outlined his concerns on conditions in Gaza in a letter delivered to his Quartet colleagues last week. We welcome the call of the Quartet for the provision of humanitarian supplies - including food, fuel, pharmaceuticals, water and sewage maintenance items - to the people in Gaza to be assured continuously. The Quartet also reiterated its previous call for Israel to allow into Gaza sufficient materials to facilitate the resumption of stalled United Nations and other donor projects. We continue to seek more effective communication and cooperation with the Government of Israel to ensure that the United Nations is able to execute its mandated programmes to the civilian population.

We also reiterate the call of the Quartet for the immediate release of Corporal Shalit. No progress has been reported on efforts to secure his release in exchange for Palestinian prisoner releases, and the International Committee of the Red Cross has not been granted access to him during his 28 months in captivity.

No Muslim pilgrims from Gaza were able to attend the hajj in Mecca prior to the Eid al-Adha holiday this year as a result of internal Palestinian divisions. The Palestinian Authority secured visas for some 3,000 pilgrims, but Hamas denied their exit through Rafah crossing.

I have detailed the security, humanitarian and development dimensions of the Gaza crisis, but it is also a deep political crisis, threatening the unified basis

on which a future Palestinian State, and the two-State solution itself, must rest.

Last Sunday, on the occasion of the twenty-first anniversary of Hamas, Hamas leader Haniyeh challenged the continuation in office of President Abbas pending a resolution of the internal divide. While calling for Palestinian reunification, he did so on a basis that rejected agreements signed and commitments undertaken by the Palestine Liberation Organization (PLO). President Abbas has publicly raised the possibility of calling elections if reconciliation is not achieved.

When foreign ministers of the League of Arab States met in Cairo on 26 November in Cairo, they called on President Abbas to continue his mandate until such time as Palestinian reconciliation is possible and presidential and legislative elections can be held simultaneously in both the Gaza Strip and the West Bank. They affirmed basic terms for such reunification and their continued support for efforts to achieve it, so as to reunite Gaza and the West Bank within the framework of the legitimate Palestinian Authority.

The Quartet noted that position when it met on Monday, reaffirming its well-known principles and stressing that restoring Palestinian unity, based on the commitments of the PLO, would be an important step forward. Security Council resolution 1850 (2008) did likewise. I urge Hamas to respond positively to those exhortations. It cannot be in the interests of the Palestinian people for essential cornerstones of Palestinian legitimacy and national aspirations to be challenged.

I now turn to the situation in the West Bank, where, during the reporting period, two Palestinian militants were killed and 79 civilians injured in Israel Defense Force and settler violence. Most of those injuries were incurred during anti-barrier demonstrations. Despite the adversities on the ground, the efforts of the Palestinian Authority, together with unprecedented donor support and improved Israeli-Palestinian security cooperation, are enhancing security and creating prospects for economic improvements. I continue to work closely with Prime Minister Fayyad to support those efforts of Palestinian self-empowerment and to promote further-reaching measures by the Israelis to enable those efforts, so as to produce a paradigm shift on the ground.

Palestinian Authority security forces continue their efforts to impose law and order and meet the road map commitments on security throughout the West Bank. Efforts are continuing in Jenin and Nablus, forces were deployed in Hebron several weeks ago and deployment in Bethlehem has begun ahead of the Christmas celebrations.

Despite the 620 obstacles to movement and access that remain across the West Bank, an easing of restrictions around the Nablus area was instituted on 7 December. We strongly encourage further steps to ease movement and access, given the significant improvements in security on the ground. We also welcome the release on 15 December of 227 Palestinian prisoners as a gesture to President Abbas.

Between 27 and 29 November, a trade fair took place in Jenin, attended by approximately 200,000 Palestinians. Around

4,500 Palestinian citizens of Israel came to Jenin on that occasion - the largest such influx to Jenin for over seven years. An investment conference in London on 15 December, hosted by Prime Minister Gordon Brown and attended by Prime Minister Fayyad, Quartet Representative Blair and Palestinian and international business people, showcased new business partnerships formed since the Bethlehem Investment Conference in May, and forged more such partnerships.

The Palestinian Authority has finalized and presented its budget for 2009, which foresees continued fiscal adjustment and reforms and envisages a shift in expenditure from recurrent items towards development projects, especially community projects. There is an urgent need to secure adequate and predictable financing from donors to finance the recurrent deficit for 2009.

The overall challenge is to take the incremental steps that have been implemented, intensify and multiply them and make them transformative. One key element is further action to implement the measures of Quartet Representative Blair, including full observance of the moratorium on house demolitions, additional steps in the northern West Bank, further removal of specified movement restrictions, actions to build confidence in East Jerusalem, and further measures in Area C.

Another key element is action on the road map commitments. In the reporting period, illegal Israeli settlement activity continued in the majority of settlements in East Jerusalem and the rest of the West Bank, and Palestinian institutions in East Jerusalem remain closed. Contrary to the advisory opinion of the International Court of Justice, construction of the barrier

continues in deviation from the Green Line within occupied Palestinian territory.

We continue to call on Israel to implement its road map commitments. We urge any new Israeli Government to decisively address the question of settlement expansion, which threatens the two-State solution itself. Israel must also refrain from unilateral actions in Jerusalem that alter the status quo or undermine trust.

We welcome the evacuation by Israeli security forces of settlers from a house in Hebron on 4 December. We urge further action by Israel to remove settler outposts in accordance with the road map and address the growing threat of settler extremism. That threat was made clear in the aftermath of the evacuation in Hebron, when settlers and their supporters rioted through areas of the city under Israeli, and later Palestinian, security control, attacking Palestinian civilians, torching and damaging cars, houses and public buildings, desecrating mosques and graves and uprooting olive trees. We unequivocally condemn that violence, in which 14 Palestinians were injured. I welcome the reaction of the Security Council on that issue and remind Israel of its obligation to protect the civilian Palestinian population under occupation.

I was in contact myself with the governor of Hebron and the Israeli authorities during the crisis to support efforts to end the violence. I commend the restraint of Palestinian Authority security forces and the efforts made by the parties to ensure that that incident was contained, and I note the forceful denunciation of the settler attacks by Israeli Prime Minister Olmert.

I turn now to the search for regional stability and peace, on which I have held

consultations in Damascus, Amman and Cairo during the reporting period. No further rounds of indirect Israeli-Syrian talks have taken place, but we look forward to their continuation and intensification. The situation in the occupied Syrian Golan remains quiet, but Israeli settlement activity continues.

Important efforts to promote comprehensive regional peace were made in the reporting period, including a joint letter from Prince Saud Al-Faisal of Saudi Arabia and the Secretary-General of the League of Arab States, Amre Moussa, to United States President-elect Obama, underscoring the commitment of the Arab world to the comprehensive proposal made in the Arab Peace Initiative.

...

While rubble removal and reconstruction in the Palestinian refugee camp of Nahr el-Bared continue, underfunding of the current appeals for relief of the displaced and for reconstruction of the camp remains a serious concern. Recent pledges include \$1 million from the United Nations Central Emergency Response Fund.

...

To conclude, after nearly a year as the Secretary-General's envoy based in Jerusalem, I and my team at the Office of the United Nations Special Coordinator for the Middle East Peace Process continue to actively pursue contacts with the parties in the region and with Quartet colleagues, in order to contain crises and find solutions to immediate concerns on the ground, particularly in Gaza. We are continuing to promote compliance with commitments and obligations, support dialogue and negotiations on the core issues, and advance the implementation of Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and now, 1850 (2008).

An important platform for peace has been established in 2008 thanks to the efforts of the parties and the support of the international community. The challenge now is to build on that platform and turn the promise of peace into reality. I am convinced that that can, and must, be done. The diplomatic process and improvements on the ground must reinforce each other and move swiftly forward. A comprehensive peace in the region, with an end of occupation and the creation of a Palestinian State living at peace with Israel at its heart, is possible, necessary and urgent.

XI. GENERAL ASSEMBLY ADOPTS RESOLUTION ON THE RIGHT OF THE PALESTINIAN PEOPLE TO SELF-DETERMINATION

On 18 December 2008, at the 70th plenary meeting of its sixty-third session, the General Assembly considered the draft resolution contained in the report of the Third Committee (A/63/429) and adopted it as resolution 63/165 on the right of the Palestinian people to self-determination, by a vote of 173 to 5, with 7 abstentions. The text of the resolution is reproduced below. For the verbatim record of the Assembly's consideration, see A/63/PV.70.

63/165.

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling , in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,¹ the Universal Declaration of Human Rights,² the Declaration on the Granting of Independence to Colonial Countries and Peoples³ and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,⁴

^{1/} Resolution 2200 A (XXI), annex.

^{2/} Resolution 217 A (III).

^{3/} Resolution 1514 (XV).

^{4/} A/CONF.157/24 (Part I), chap. III.

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,⁵

Recalling also the United Nations Millennium Declaration,⁶

*Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,⁷ and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,⁸*

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied

^{5/} See resolution 50/6.

^{6/} See resolution 55/2.

^{7/} See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

^{8/} See A/ES-10/273 and Corr.1, advisory opinion, para. 88; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,⁹

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Stressing the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem,

^{9/} See A/ES-10/273 and Corr.1, advisory opinion, para. 122; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Report 2004, p.136.

Recalling its resolution 62/146 of 18 December 2007,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

*70th plenary meeting
18 December 2008*

XII. GENERAL ASSEMBLY ADOPTS RESOLUTION ON PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES

On 19 December 2008, at the 72nd plenary meeting of its sixty-third session, the General Assembly adopted resolution 63/201, based on the report of the Second Committee (A/63/410), by a recorded vote of 164 to 8, with 5 abstentions. The text of the resolution is reproduced below. For the verbatim record of the Assembly's consideration, see A/63/PV.72.

**63/201.
Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources**

The General Assembly,

Recalling its resolution 62/181 of 19 December 2007, and taking note of

Economic and Social Council resolution 2008/31 of 25 July 2008,

Economic and Social Council resolution 2008/31 of 25 July 2008, *Recalling also* its resolutions 58/292 of 6 May 2004 and 59/251 of 22 December 2004,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Recalling its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling, in this regard, the International Covenant on Civil and Political Rights See resolution 2200 A (XXI), annex. and the International Covenant on Economic, Social and Cultural Rights,² and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem, as well as in the occupied Syrian Golan,

Recalling also the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the*

Occupied Palestinian Territory,³ and recalling further its resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Expressing its concern at the exploitation by Israel, the occupying Power, of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing its grave concern at the extensive destruction by Israel, the occupying Power, of agricultural land and orchards in the Occupied Palestinian Territory, including the uprooting of a vast number of fruit-bearing trees,

Expressing its concern at the widespread destruction caused by Israel, the occupying Power, to vital infrastructure, including water pipelines and sewage networks, in the Occupied Palestinian Territory, which, inter alia, pollutes the environment and negatively affects the natural resources of the Palestinian people,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, and of the dire socio-economic consequences in this regard,

Aware also of the detrimental impact on Palestinian natural resources being

^{1/} United Nations, *Treaty Series*, vol. 75, No. 973.

^{2/} See resolution 2200 A (XXI), annex.

^{3/} See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

caused by the unlawful construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and of its grave effect as well on the economic and social conditions of the Palestinian people,

Reaffirming the need for the advancement of negotiations within the Middle East peace process, on the basis of Security Council resolutions 242 (1967), 338 (1973) of 22 October 1973, 425 (1978) of 19 March 1978 and 1397 (2002) of 12 March 2002, the principle of land for peace, the Arab Peace Initiative,⁴ and the Quartet performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict,⁵ as endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003, for the achievement of a final settlement on all tracks,

Noting the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of settlements therein as a step towards the implementation of the road map,

Stressing the need for respect and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Taking note with appreciation of the note by the Secretary-General transmitting

^{4/} A/56/1026-S/2002/932, annex II, resolution 14/221.

^{5/} See S/2003/529, annex.

the report prepared by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan,⁶

1. *Reaffirms* the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

2. *Calls upon* Israel, the occupying Power, not to exploit, damage, cause loss or depletion of, or endanger the natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

3. *Recognizes* the right of the Palestinian people to claim restitution as a result of any exploitation, damage, loss or depletion, or endangerment of their natural resources resulting from illegal measures taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and expresses the hope that this issue will be dealt with in the framework of the final status negotiations between the Palestinian and Israeli sides;

4. *Stresses* that the wall being constructed by Israel in the Occupied Palestinian Territory, including in and around East Jerusalem, is contrary to international law and is seriously depriving the Palestinian people of their natural resources, and calls in this regard for full compliance with the legal obligations

^{6/} A/63/74-E/2008/13.

mentioned in the 9 July 2004 advisory opinion of the International Court of Justice³ and in resolution ES-10/15;

5. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

6. *Also calls upon* Israel, the occupying Power, to cease the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and pose an environmental hazard and health threat to the civilian populations;

7. *Further calls upon* Israel to cease its destruction of vital infrastructure,

including water pipelines and sewage networks, which, inter alia, has a negative impact on the natural resources of the Palestinian people;

8. *Requests* the Secretary-General to report to it at its sixty-fourth session on the implementation of the present resolution, and decides to include in the provisional agenda of its sixty-fourth session the item entitled “Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources”.

*72nd plenary meeting
19 December 2008*

XIII. SECRETARY-GENERAL CONDEMNS ATTACKS ON ISRAEL, URGES HUMANITARIAN EASING IN GAZA

The following statement was issued on 24 December 2008 by the Spokesperson for United Nations Secretary-General Ban Ki-moon (Press release SG/SM/12019).

The Secretary-General is gravely concerned about the situation in Gaza and southern Israel, and the potential for further violence and civilian suffering if calm is not restored.

He condemns today’s rocket attacks on southern Israel and calls on Hamas to ensure that rocket attacks from Gaza cease immediately. He urges all parties to work to secure the immediate restoration of the calm

and an urgent easing of humanitarian conditions in the Gaza Strip, including the continuous provision of humanitarian supplies. He calls for respect by all parties of international humanitarian law.

The Secretary-General reiterates, as the Quartet stated when it met on 15 December, that a lasting solution to the situation in Gaza can only be attained by peaceful means.

XIV. SECRETARY-GENERAL ALARMED BY VIOLENCE IN GAZA, SOUTHERN ISRAEL

The following statement was issued on 27 December 2008, by the Spokesperson for United Nations Secretary-General Ban Ki-moon (Press release SG/SM/12025).

The Secretary-General is deeply alarmed by today's heavy violence and bloodshed in Gaza, and the continuation of violence in southern Israel. He appeals for an immediate halt to all violence.

While recognizing Israel's security concerns regarding the continued firing of rockets from Gaza, he firmly reiterates Israel's obligation to uphold international humanitarian and human rights law and condemns excessive use of force leading to the killing and injuring of civilians. He

condemns the ongoing rocket attacks by Palestinian militants and is deeply distressed that repeated calls on Hamas for these attacks to end have gone unheeded.

The Secretary-General reiterates his previous calls for humanitarian supplies to be allowed into Gaza to aid the distressed civilian population. He is making immediate contact with regional and international leaders, including Quartet principals, in an effort to bring a swift end to the violence.

XV. SECURITY COUNCIL CALLS FOR A STOP TO ALL MILITARY ACTIVITIES

The following Security Council press statement on the situation in Gaza was read out by Council President Neven Jurica (Croatia) on 28 December 2008 (Press release SC/9559).

The members of the Security Council expressed serious concern at the escalation of the situation in Gaza and called for an immediate halt to all violence. The members called on the parties to stop immediately all military activities.

The members of the Council called for all parties to address the serious humanitarian and economic needs in Gaza and to take necessary measures, including

opening of border crossings, to ensure the continuous provision of humanitarian supplies, including supplies of food, fuel and provision of medical treatment.

The members of the Council stressed the need for the restoration of calm in full, which will open the way for finding a political solution to the problems existing in the context of the Palestinian-Israeli settlement.

XVI. SECRETARY-GENERAL CALLS FOR IMMEDIATE END TO VIOLENCE

The following statement was issued on 28 December 2008 by the Spokesperson for United Nations Secretary-General Ban Ki-moon (Press release SG/SM/12026).

The Secretary-General joins the Security Council's call for an immediate stop to all violence and all military activities. He deplores that violence is continuing today, and he strongly urges once again an immediate stop to all acts of violence. He is saddened by Palestinian casualties, among them eight UNRWA [United Nations Relief and Works Agency for Palestine Refugees in the Near East] trainees and one UNRWA staff member, and one Israeli casualty.

The Secretary-General also expects the Security Council's call for all parties to address the humanitarian and economic needs in Gaza to be fully heeded, in particular, for border crossings to be opened by Israel for the continuous provision of humanitarian supplies. The United Nations has repeatedly brought to the attention of the Government of Israel shortages of humanitarian supplies in Gaza in recent weeks and months. The Humanitarian Coordinator in the Occupied Palestinian Territory met with Israeli officials today and received a guarantee that all required

humanitarian supplies and personnel would be allowed entry into Gaza, further to assurances given personally to the Secretary-General by Prime Minister [Ehud] Olmert and Foreign Minister [Tzipi] Livni. The Secretary-General fully expects this cooperation to continue on a rolling basis in the coming days.

The Secretary-General has spoken to the other members of the Quartet and regional leaders including Prime Minister Olmert, Foreign Minister Livni, President [Mahmoud] Abbas, President [Hosni] Mubarak, President [Bashar al-] Assad, and Secretary-General [Amr] Moussa, to underscore the urgent need to restore calm in full, and is in close touch with his envoy, United Nations Special Coordinator for the Middle East Peace Process Robert Serry, and UNRWA Commissioner-General Karen AbuZayd, who is in Gaza. The United Nations is working actively to promote urgent implementation of the Security Council's calls to end the violence, reopen the crossings, and restore calm in full.

XVII. NON-ALIGNED MOVEMENT CONDEMNS ISRAELI AGGRESSION AGAINST GAZA

On 29 December 2008, Abelardo Moreno Fernández, Permanent Representative of Cuba to the United Nations, acting in his capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, transmitted the following statement of the same date by the Coordinating Bureau on Israel's military aggression against the Gaza Strip in the Occupied Palestinian Territory (A/63/673-S/2009/13, annex).

The Coordinating Bureau of the Non-Aligned Movement (NAM) strongly condemns the military aggression, including air strikes, carried out by Israel, the occupying Power, on the Gaza Strip, which has caused death and injuries to hundreds of civilians, including children, and destruction of Palestinian property and infrastructure.

This unacceptable military escalation by Israel constitutes a grave breach of international law, including humanitarian and human rights law, fuels the cycle of violence and threatens international peace and security as well as the fragile peace process between the two sides.

Such violent and illegal military actions and the continued collective punishment of the Palestinian people have deepened the suffering of innocent and

defenceless Palestinians in the Gaza Strip, who are already greatly suffering from continued imposition of the crippling Israeli siege and the ensuing humanitarian crisis.

The Non-Aligned Movement demands that Israel immediately cease its military attacks and abide by all of its obligations under international law and relevant United Nations resolutions.

The Non-Aligned Movement calls upon the international community, especially the Security Council, to uphold international law and its responsibilities and to act urgently to address this grave situation.

The Non-Aligned Movement reaffirms its support for and solidarity with the Palestinian people.

XVIII. SECRETARY-GENERAL DEMANDS IMMEDIATE CEASEFIRE

Following is the text of United Nations Secretary-General Ban Ki-moon's statement of 29 December 2008 on the continued escalation in and around Gaza (Press release SG/SM/12027).

I am deeply alarmed by the current escalation of violence in and around Gaza. This is unacceptable.

I have been repeatedly condemning the rocket attacks by Hamas militants against Israel. While recognizing Israel's right to

defend itself, I have also condemned the excessive use of force by Israel in Gaza. The suffering caused to civilian populations as a result of the large-scale violence and destruction that have taken place over the past few days has saddened me profoundly.

The frightening nature of what is happening on the ground, in particular its effects on children - who are more than half of the population - troubles me greatly. I have continuously stressed the need for strict observance of international humanitarian law.

I am also pained at the death, injury and damage to United Nations personnel and premises, as well as to others associated with our programmes.

All this must stop. Both Israel and Hamas must halt their acts of violence and take all necessary measures to avoid civilian casualties. A ceasefire must be declared immediately. They must also curb their inflammatory rhetoric.

Only then can dialogue start.

I think regional and international partners have not done enough. They should do more. They should use all possible means to end the violence and encourage political dialogue, emphasizing peaceful ways of resolving differences.

Arab foreign ministers are going to meet soon in emergency session. I urge them to act swiftly and decisively to bring an early end to this impasse. At the same time, other world leaders must also step up efforts to support a longer-term resolution of the issue.

During the past few days, I have spoken to the principals of the Quartet, to regional leaders, including Prime Minister [Ehud] Olmert, Foreign Minister [Tzipi] Livni, President [Mahmoud] Abbas, President [Hosni] Mubarak, President

[Bashar al-] Assad, Prime Minister [Fouad] Siniora, Prime Minister [Tayyip Recep] Erdogan and the Secretary-General of the League of Arab States, Amr Moussa, and to a number of other leaders, in order to underscore the need to restore calm in full. I shall continue these efforts personally, as well as through my envoys in the field.

I reiterate my call that unhindered access should be ensured for the delivery of humanitarian assistance. The United Nations, through the United Nations Special Coordinator for the Middle East Peace Process [UNSCO], United Nations Relief and Works Agency for Palestine Refugees in the Near East [UNRWA] and other agencies on the ground have been in continuous contact with all relevant authorities and mobilizing themselves to provide much-needed assistance and alleviate civilian suffering.

I expect all parties to fully heed my call. In particular, Israel must keep open all border crossings necessary for the continued provision of humanitarian supplies. Israeli Government leaders have given me a guarantee that such supplies and personnel would be allowed entry into Gaza. This cooperation must continue on a rolling basis in the coming days.

My colleagues, John Holmes, Under-Secretary-General of OCHA [Office for the Coordination of Humanitarian Affairs] in New York, and Karen AbuZayd, Commissioner-General of UNRWA, and Maxwell Gaylard, Humanitarian Coordinator, UNSCO, through video links, can provide a further update on the humanitarian situation and our work in the area.

XIX. EUROPEAN UNION CALLS FOR CEASEFIRE, HUMANITARIAN ACTION, RELAUNCHED PEACE PROCESS

On 31 December 2008, Jean-Maurice Ripert, Permanent Representative of France to the United Nations, transmitted the following statement by the European Union on the situation in the Middle East, dated 30 December 2008 (S/2008/841).

The Foreign Ministers or their representatives of the Member States of the European Union, the High Representative for the Common Foreign and Security Policy and the European Commission met on 30 December to discuss the situation in the Middle East, following current tragic events in Israel and Gaza. This meeting is part of the international community's efforts, particularly the Quartet and the Arab League, to find a solution to this crisis.

The European Union, conscious of the suffering and anguish of all civilian populations, puts forward the following proposals to resolve the crisis:

Immediate and permanent ceasefire: there must be an unconditional halt to rocket attacks by Hamas on Israel and an end to Israeli military action.

The cessation of fighting should allow lasting and normal opening of all border crossings, as provided for in the 2005 Agreement on Movement and Access. The European Union is ready to redispach the European Union Border Assistance Mission to Rafah to enable its reopening, in cooperation with Egypt, the Palestinian Authority and Israel. It is also willing to examine the possibility of extending its assistance to other crossing points, provided that the issues relating to security have found a satisfactory response.

Immediate humanitarian action: food, urgent medical aid and fuel should be

delivered to the Gaza Strip, the evacuation of the injured and unhindered access of humanitarian workers should be made possible through the opening of crossing points. The European Union, the leading aid donor to the Palestinians, dispatched a field mission to provide the most appropriate response as quickly as possible in cooperation with the United Nations and non-governmental organizations. It has also agreed to coordinate aid donated by each Member State, in collaboration with the European Commission and the outgoing and incoming presidencies.

Stepping up the peace process, as called for by Security Council resolution 1850 (2008). There is no military solution to the Israeli-Palestinian conflict, in Gaza or elsewhere. The solution to the Israeli-Palestinian conflict must be based on the process set out at Annapolis and on the establishment of a viable Palestinian state existing side by side with Israel in peace and security. Work must be carried out, notably on the basis of the Arab peace initiative, to deal with the Israeli-Arab conflict in a comprehensive and operational manner. Europe encourages the inter-Palestinian reconciliation behind President Mahmoud Abbas, as called for by the Ministers of the Arab League on 26 November, and supports the mediation efforts of Egypt and the Arab League in this respect.

The European Union is more determined than ever to assist, alongside the other members of the Quartet and the

region's States, in ending violence and relaunching the peace process. In this respect, it has been agreed that a European

ministerial delegation will travel to the region shortly.

XX. COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE CONDEMNS MILITARY ASSAULT BY ISRAEL IN GAZA

The following statement by the Bureau of the Committee of the Exercise of the Inalienable Rights of the Palestinian People on the situation in the Gaza Strip was issued in New York on 31 December 2008 (Press release GA/PAL/1109).

The Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People condemns in the strongest possible terms deadly military assaults and destruction perpetrated by Israel, the occupying Power, in the Gaza Strip that have reportedly killed, by various accounts, more than 390 Palestinians. The number, which has been constantly growing since Saturday, 27 December, includes many civilians, including women and children. Considering the high number of those injured and the fact that the Israeli military operation is continuing, the death toll resulting from this escalation of violence is likely to rise.

The Bureau of the Committee demands that Israel end, immediately and unconditionally, its brutal military campaign against the Palestinian people in the Gaza Strip. The occupying Power should be held accountable for the killing and wounding of the innocent civilian population in Gaza, including women and children, as a result of its massive missile attacks and heavy artillery fire. All these actions have caused untold suffering to the Palestinian people, flagrantly violating norms of international law. They are bound to spur further hatred, violence and mistrust. The Bureau of the

Committee also demands that Israel immediately open the Gaza border crossings in order to allow for delivery of emergency medical aid and other vital supplies to those in desperate need. The tight blockade of the Gaza Strip in the course of the past year has already caused a humanitarian catastrophe, as well as the heightened sense of anxiety, fear and despair among the Palestinian population.

The Bureau of the Committee wishes to emphasize that the Fourth Geneva Convention obligates an occupying Power to protect the civilian population under its occupation, including through the provision of basic services, such as food and medicines. The Bureau of the Committee has consistently condemned Palestinian rocket firing into Israel, but nothing can justify the illegal collective punishment by Israel of the entire population of the Gaza Strip. The Bureau strongly believes that actions by a few do not justify the collective punishment by Israel of the entire population of the Gaza Strip. The Bureau would like to remind the Government of Israel that the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory has been repeatedly affirmed by the Conference of the High Contracting

Parties of the Convention, as well as by the United Nations General Assembly and the Security Council. The Gaza Strip remains an Occupied Territory by virtue of the fact that Israel fully controls every single aspect of the daily life of the Palestinian population. The international community must urgently act against the violation of the Convention by Israel. In particular, we call on the High Contracting Parties of the Fourth Geneva Convention to take urgent and decisive action to uphold their obligation, under article 1, to “respect and to ensure respect for the present Convention in all circumstances”.

The current situation is deeply disturbing. It is an unacceptable affront to the principles of international law and values upheld by the United Nations. The Bureau of the Committee considers that it is the moral responsibility of all of us to see to it that the bloodshed is stopped. Given the gravity of the situation, we firmly believe that it is incumbent on the Security Council

to exercise its responsibilities under the United Nations Charter. The Council should engage itself fully with a view to defusing the crisis. Council Members should decide on tangible, effective and urgent steps aimed at protecting the civilian population, bringing the bloodshed to an immediate end, ensuring that an immediate and permanent ceasefire is brought about, that humanitarian assistance is provided, and that dialogue is encouraged between the parties. The Bureau of the Committee believes that, in order to achieve this, the Council should work in close coordination with the Quartet and regional partners. Such a consolidated effort should help avoid further casualties and de-escalate the situation on the ground. The Bureau of the Committee continues to reiterate that the solution to the Israeli-Palestinian conflict must be based on taking the current negotiations process forward, leading to the establishment of a viable Palestinian State existing side by side with Israel in peace and security.

XXI. SECURITY COUNCIL HOLDS EMERGENCY MEETING ON GAZA

On 31 December 2008, the Security Council, acting in response to a request from the Permanent Representative of Egypt to the United Nations, acting in his capacity as Chairman of the Arab Group (S/2008/842), and a request from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations (S/2008/843), met to consider “The situation in the Middle East, including the Palestinian question.” The statement by Secretary-General Ban Ki-moon is reproduced below (SG/SM/12031). For the verbatim record of the meeting, see document S/PV.6060.

A dramatic crisis in Gaza and southern Israel has now reached its fifth day.

The civilian population, the fabric of Gaza, the future of the peace process, stability in the region and goodwill among people throughout the world: all are trapped

between the irresponsibility displayed in the indiscriminate rocket attacks by Hamas militants and the disproportionality of the continuing Israeli military operation. We will be further threatened if the conflict continues or escalates to a new phase of deadly violence.

I am profoundly troubled that the call of this Council, issued nearly four days ago, for an end to the violence has gone unheeded. I wish to underline in the strongest possible terms the world's call for an immediate ceasefire that is fully respected by all parties. This must be achieved now. The parties must step back from the brink. All this violence must end.

As a result of the crisis and the violence, conditions for 1.5 million people in Gaza today are nothing short of terrifying. The people of Gaza are living under heavy bombardment, which has targeted Hamas facilities, smuggling tunnels and other Hamas infrastructure, as well as the former Palestinian Authority security structure, government buildings, residential homes, mosques and businesses. More than 300 people lie dead, among them at least 60 women and children. Over 800 are wounded.

In southern Israel, there has been a continuous stream of rockets fired from Gaza by Palestinian militants. Longer-range rockets have been used by militants, hitting major Israeli cities, with hundreds of thousands of people now in range. Four Israelis have died since Saturday and over 30 more have been injured. Schools have closed and daily life in southern Israel is extremely difficult, as Israelis live in constant fear of rockets, which have hit homes and schools.

Let me be clear: I condemn unequivocally and in the strongest possible terms the ongoing rocket and mortar attacks by Hamas and other Palestinian militants. But I also condemn the excessive use of force by Israel. All parties must fully uphold international humanitarian law. It is the

civilian populations that are bearing the brunt of this escalation, and there must be swift and decisive action by the international community to bring to an end their suffering.

All parties must address the serious humanitarian and economic needs in Gaza and take necessary measures to ensure the continuous provision of humanitarian supplies. Without the violence stopping, it is extremely difficult to get food to people who need it. It is too dangerous for civilians to leave their homes to seek urgent medical treatment, buy supplies and assist people in distress. Conditions for parents and children in Gaza are dangerous and frightening.

I wish to pay tribute to United Nations staff in the area, who are working hard under deeply adverse conditions to address urgently the humanitarian situation of Gazans. I am pained at the death, injury and damage that United Nations personnel and premises, as well as others associated with our programmes, have sustained.

I also pay tribute to the efforts of donor countries which have come forward and pledged their support.

Pursuant to assurances given to me by Prime Minister Olmert and Foreign Minister Livni of Israel and the continuing close cooperation between United Nations agencies and Israeli authorities on the ground, some humanitarian aid is passing through the Kerem Shalom crossing. Today, a total of 84 truckloads, including 34 for humanitarian aid agencies, entered Gaza. As a result, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is opening seven emergency distribution centres with a skeleton staff to distribute recently donated wheat flour starting tomorrow.

However, the Karni crossing and the Karni conveyor belt, which UNRWA urgently requires to open to bring in wheat grain supplies, remain closed, as do the Nahal Oz fuel pipelines. There remains a shortage of wheat grain, which exacerbates a shortage of bread in a situation in which two thirds of Gaza's population were already reliant on some kind of food aid prior to this escalation. Fuel shortages have led to the closure of the Gaza power plant and power shortages for up to 16 hours a day. To address the shortages of food and fuel, the Nahal Oz and Karni crossings must be opened. Unless there is an immediate end to the violence, the humanitarian situation will deteriorate significantly.

I urge all members of the international community, in particular those in the region, to exert what influence they have on the parties to end this violence now. Yesterday, at the Quartet meeting, I stressed the need for decisive action. I welcome the efforts under way, including by Arab and European leaders. But I must repeat: not enough has been done, and more is urgently required.

There must be an immediate ceasefire that is fully respected by all parties. This must create new conditions on the ground that ensure at last that crossings into Gaza will be reopened, that rocket attacks and weapons smuggling will end, that we will pursue political dialogue, and only political dialogue, to reunite Gaza with the West Bank, and that the root cause of this suffering - the absence of Israeli-Palestinian peace - is ended.

Even as this crisis rages, let us never forget the underlying issue: there must be an end to occupation, an end to conflict and the creation of a Palestinian State. Let us not lose sight of our goal: two States, Israel and Palestine, living side by side in peace and security, and a just, lasting and comprehensive peace in the region, based on Security Council resolutions Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), the principle of land for peace, the Madrid terms of reference and the Arab Peace Initiative. This conflict must end, and it must end once and for all.