



## DIVISION FOR PALESTINIAN RIGHTS

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### **Bulletin** **on action by the United Nations system and intergovernmental organizations relevant to the question of Palestine**

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on the Question of Palestine (UNISPAL) on the Internet at:*  
<http://unispal.un.org>

## **I. GAZA FACT-FINDING MISSION HOLDS PUBLIC HEARINGS IN GENEVA**

*On 6 and 7 July 2009 in Geneva, the United Nations Fact-Finding Mission on the Gaza Conflict, led by Justice Richard Goldstone, held public hearings from victims and experts from Israel and the West Bank, as well as military and legal experts, following hearings conducted in the Gaza Strip in late June. The following is a summary of the press conference by Justice Goldstone, held on 7 July 2009:*

Justice Richard Goldstone made an opening statement, saying that as those present were no doubt aware, the Mission had almost completed the second session of public hearings it was holding in the context of its work. The week before in Gaza, the Mission had held two days of hearings during which they listened to stories of intense pain, loss and suffering from the people of Gaza. Yesterday and today in Geneva, they heard from victims and witnesses from Israel and the West Bank, who had also shared deeply moving stories. The Mission would continue that afternoon with expert testimonies on military issues.

The testimonies they heard from victims and witnesses were in many cases been difficult to hear. But he believed it was important to listen to their experiences. The aim of holding the public hearings — and this is the first time in such a UN fact-finding mission that public hearings had been held — was to show the human side of the suffering; to give a voice to the victims so that they are not lost among statistics. No written words could by themselves convey human stories the way people could do it in their own voice and words. He thanked those courageous women and men who had come forward to share their stories with the Mission.

Justice Goldstone said that the hearings they were about to complete in Geneva they would have liked to have held in Israel and the West Bank but were

unable to do so as the Government of Israel did not grant access to either. Nevertheless, the Mission had made every effort to ensure that victims from all sides had had a chance to speak.

Justice Goldstone reiterated that the mandate of the Fact-Finding Mission was to provide an independent investigation into all alleged violations of international human rights law and international humanitarian law in the context of the 27 December 2008 to 18 January 2009 military operations, whether they had taken place before, during or after those dates.

With the conclusion of these hearings, the Fact-Finding Mission was moving towards the end of its investigative phase. Over the last month, members of the Mission and the secretariat supporting it had been conducting a thorough investigation on the ground in Gaza and from its offices in Geneva. Members of the Mission travelled to Amman to interview witnesses and meet with people and organizations from Israel and the West Bank. The Mission had received a large number of submissions from interested organizations and individuals in response to its public call for submissions. The Mission would also be sending questions to all the relevant authorities for additional information. Soon the Members of the Mission would move into the phase of drafting their report, which was due to be completed in August and

would be presented to the next session of the Human Rights Council in September.

In response to a question on the breadth of the context that the Mission was taking into account – given that much of the information provided by witnesses during the public hearings covered events outside the recent conflict, going back over a period of years – Justice Goldstone said that the mandate of the Mission related to the context of Operation Cast Lead, before, during and after. He said that the general approach of the Mission had been to draw the line at 18 June, the beginning of the truce, as a neutral date. The Mission would not, of course, ignore issues relevant to its mandate that had happened before that date, but no conclusions should be drawn from the fact that the statements of some witnesses went way back in time. The members of the Mission did not want to stop people talking even if they were going beyond the mandate.

Asked what he thought had been learned by listening to what people had come forward to say, Justice Goldstone said that in his experience, from being on this mission and in also on previous missions to the Balkans, Rwanda and of course drawing from the experience of his own country, South Africa, that one did not understand the effect of the situation on people, the suffering of people, unless one got on the ground to speak to people and listen to people. In terms of the Mission's being on the ground in Gaza, it did assist not only in being able to listen to what people had suffered, had endured, but also to see the extent of the physical damage. There was no real substitute for being on the ground.

Asked whether the Mission had found proof of the use of Dense Inert Metal Explosive and other new weapons during

its visit to Gaza, and whether the members of the Mission would be able to build a case for war crimes, Justice Goldstone said that would be premature to say and that it was necessary to wait for the report.

Asked how well the Mission could achieve a balance in reporting both sides, given that it was unable to get into Israel to see the damage on the ground, Justice Goldstone replied that although it was an obvious disadvantage not to have Israel's cooperation, the Mission had not had full cooperation from any of the parties. The Mission had been dealing with some matters that could be considered intelligence matters or strategic issues. Some were still missing, and that was one of the reasons the Mission would be asking certain questions of the authorities.

Asked whether evidence had been presented about weaponry in the public hearings, Justice Goldstone said that Lt. Col. Raymond Lane, from Ireland, would be speaking in the afternoon session about weapons used in Operation Cast Lead in Gaza and against Israel.

Responding to a question about the cooperation of Hamas and the Palestinian Authority and about the feelings of the Members of the Mission under Hamas protection, Justice Goldstone said the report would go into more details but that the Mission had certainly felt secure in Gaza. The members were told about security provided by Hamas and saw them on occasion. Justice Goldstone said that a media report claiming that Hamas had accompanied Mission members during interviews of witnesses was absolutely not true. Hamas was no where near the Mission or near the witnesses with whom the Mission met. That would have been unacceptable.

Asked whether he would recommend that future commissions of inquiries should have public hearings, Justice Goldstone replied that it was impossible to generalize. It had worked well for this Mission. It had

created greater interest for some of the issues it was investigating. Future fact-finding missions should take that into account when looking at options available to them.

## **II. HIGH COMMISSIONER FOR HUMAN RIGHTS CALLS FOR ISRAEL'S COMPLIANCE WITH INTERNATIONAL COURT OF JUSTICE ADVISORY OPINION**

*On the occasion of the fifth anniversary of the International Court of Justice advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, High Commissioner for Human Rights Navanethem Pillay issued the following statement on 9 July 2009:*

Five years ago today, the International Court of Justice (ICJ) issued its advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. In its advisory opinion, the ICJ found that the Israeli construction of the Wall within the Occupied Palestinian Territory (OPT), including in and around East Jerusalem, violated Israel's obligations under international law. The ICJ stated that Israel is under an obligation to cease the works of construction of the Wall within the OPT and bring down the parts within the OPT that had already been built. The ICJ also stated that the Israeli Government should terminate the associated system of severe restrictions on the freedom of movement of Palestinian residents of the West Bank, which violates their human rights. The High Commissioner calls on Israel to act in accordance with the advisory opinion of the ICJ.

The Israeli Government claims that the Wall is a temporary security measure. However, the ICJ indicated that the specific route Israel has chosen for the wall is not necessary to attain its security objectives and that the construction of the wall constitutes

“breaches by Israel of various of its obligations under the applicable international humanitarian law and human rights instruments”. The overwhelming majority of the planned route of the wall — 86 per cent — runs inside the West Bank, not along the 1949 Armistice Line (the Green Line). The ICJ pointed out that the route of wall had been planned to encompass the bulk of the Israeli settlements in the OPT – settlements which are illegal under international law.

Five years after the ICJ issued its advisory opinion, the situation has not improved. Israel continues to disregard the views of the ICJ, and the wall remains under construction. Since the ICJ advisory opinion, about 200 kilometers have been constructed, bringing the total amount constructed to 413 kilometers – 60 per cent of the planned 709 kilometre-long route.

The wall is but one element of the wider system of severe restrictions on the freedom of movement imposed by the Israeli authorities on Palestinian residents of the West Bank. There are currently well over 600 closure obstacles blocking Palestinian

movement within the West Bank. In addition, the system of roads is increasingly segregated: travel on hundreds of kilometres in the West Bank is restricted or prohibited outright for Palestinians, whereby Israelis are allowed to travel on them freely. About one third of the West Bank, including occupied East Jerusalem, is completely prohibited to Palestinians without a special permit issued by the Israeli military.

These severe restrictions violate not only the right to freedom of movement, they also effectively prevent Palestinian residents from exercising a wide range of other human rights, including their right to work, to health, to education and to an adequate standard of living. Farmers are prevented from accessing their fields and from exercising their right to sustain their livelihood. Due to restricted access and work permit regimes thousands of Palestinians are prevented to seek work outside their locality. Children are prevented from accessing schools and students face restrictions in choosing their

university as a result of freedom of movement restrictions. Patients are prevented from accessing hospitals, blocking them from exercising their right to the highest sustainable standard of health. And Palestinian residents currently lack meaningful access to an effective remedy – judicial or otherwise - for their plight.

OHCHR calls on the Israeli Government to:

- Comply with the advisory opinion of the ICJ and dismantle the wall within the OPT and make reparation for all damage suffered by all persons affected by the wall's construction.
- End the current regime of restriction of movement within, to and from the OPT, in order to ensure that Palestinian residents are able to exercise their rights, including their right to freedom of movement, right to work, right to education, and right to the highest attainable standard of health.

### **III. NON-ALIGNED MOVEMENT ADOPTS DECLARATION ON PALESTINE**

*At the 15th Summit of the Non-Aligned Movement, held in Sharm el-Sheikh, Egypt, from 11 to 16 July 2009, the Heads of State and Government adopted a “Declaration on Palestine,” which is reproduced below (A/63/969-S/2009/517, annex):*

1. The Heads of State and Government of the Non-Aligned Movement considered the critical situation in the Occupied Palestinian Territory, including East Jerusalem, and the dramatic deterioration of the situation on all fronts. They stressed the importance of coordinated and principled approaches and strategies by the Movement to continue strongly supporting the Palestinian people and their leadership and underscored the need to provide both political and

humanitarian support to assist the Palestinian people to overcome the current crisis and strengthen their ongoing efforts towards the realization of their inalienable human rights and freedom. In this regard, the Heads of State and Government stressed the imperative of urgent efforts to advance a peace process based on Security Council resolutions 242 (1967), 338 (1973), 425 (1978), 1397 (2002), 1515 (2003) and 1850 (2008), the Madrid terms of reference and

the principle of land for peace for the achievement of a comprehensive, just and lasting peace settlement and the exercise by the Palestinian people of their right to self-determination in their independent and sovereign State of Palestine, with East Jerusalem as its capital.

2. The Heads of State and Government reaffirmed their adherence to the principled positions adopted in this regard, including in the Declarations on Palestine adopted by the Committee on Palestine in September 2006 at the Fourteenth Summit Conference of Heads of State or Government in Havana, in July 2008 at the Fifteenth Ministerial Conference in Tehran and in April 2009 at the Ministerial Meeting in Havana, and the clear positions concerning Palestine adopted by all other previous Summits and Ministerial Conferences of the Movement. They called for serious, active efforts to uphold these positions and the intensification of the collective efforts by the Movement towards achievement of a just, peaceful resolution of the question of Palestine in all its aspects.

3. The Heads of State and Government expressed their deep regret that the question of Palestine remains unresolved after the passage of more than sixty years since the 1948 Al-Nakba that befell the Palestinian people, by which they became a stateless and dispossessed people, dispersed and displaced from their homeland of Palestine, and that more than half of the Palestinian people continue to live in exile in refugee camps throughout the region and in the Diaspora.

4. The Heads of State and Government also expressed their deep regret that since 1967, for more than 42 years, the Palestinian people have continued to suffer under

Israel's brutal military occupation of their land and continue to be denied their fundamental human rights, including the right to self-determination and the right of the Palestine refugees to return in accordance with international law, the United Nations Charter and relevant resolutions. They condemned Israel's continuing unlawful military occupation and expressed their grave concern about the severe oppression, hardships and affronts to human dignity being endured by the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, as a result of the illegal and aggressive policies and practices being carried out by the occupying Power, including grave human rights violations and grave breaches of international humanitarian law.

5. The Heads of State and Government expressed their deep concern about the deterioration of the situation in the Occupied Palestinian Territory at the political, economic, social, security, and humanitarian levels. They strongly condemned Israel's military aggressions against the Palestinian people, particularly in the Gaza Strip, by which the occupying Power has killed and injured thousands of Palestinian civilians by, inter alia, use of excessive, indiscriminate force and extrajudicial executions and has caused vast destruction of homes, properties, infrastructure and agricultural lands. They also condemned the continuing illegal detention and imprisonment of thousands of Palestinians, including hundreds of women and children and numerous elected officials, and called for their immediate release. They condemned all Israeli settlement activities by which the occupying Power has continued to colonize the Occupied Palestinian Territory, including East Jerusalem, in grave breach of international

law. They further condemned Israel's imposition of collective punishment on the Palestinian people by numerous illegal means and measures, including military reprisals, destruction of homes and properties and severe restrictions on freedom of movement. The Heads of State and Government demanded once again that Israel, the occupying Power, immediately and completely cease all such violations of international law, including humanitarian and human rights law, which are tantamount to grave breaches for which the occupying Power must be held accountable.

6. The Heads of State and Government condemned in the strongest terms the recent Israeli military aggression against the Palestinian civilian population in the Gaza Strip, which resulted in the killing of more than 1,400 Palestinians, including hundreds of children and women, and the injury of more than 5,500 Palestinians, including by use of lethal and prohibited weaponry. They condemned Israel's wanton destruction of thousands of Palestinian homes; business properties; vital civilian infrastructure, including water, sanitation and electricity systems and roads; hospitals and ambulances; mosques; public institutions, including schools and national ministries; farms and agricultural land; and United Nations facilities in the Gaza Strip. They expressed their grave concern about the widespread devastation, trauma and despair caused by this military aggression among the civilian population. The Heads of State and Government demanded that Israel, the occupying Power, cease immediately its military aggression against the Palestinian people and called for respect of Security Council resolution 1860 (2009). They underscored the importance of reaching a permanent, durable ceasefire starting in the Gaza Strip and extending to the West Bank,

expressing support for Egyptian efforts in this regard, as well as the necessity of allowing unimpeded humanitarian access and movement of persons and goods to meet the humanitarian, economic and recovery needs of the Palestinian people.

7. In this context, the Heads of State and Government stressed the necessity of upholding justice and international law and called upon the international community, including the Security Council, to ensure that thorough investigations are conducted of all the crimes and violations committed by Israel, the occupying Power, in the Gaza Strip. They called for serious follow-up of such investigations, aimed at holding accountable the perpetrators of such crimes and bringing an end to Israel's impunity and defiance of the law, including, inter alia, immediate action to follow-up the findings of the investigations by the United Nations Secretary-General's Board of Inquiry and the Human Right Council's fact-finding mission. The Heads of State and Government reaffirmed in this regard the obligations of the High Contracting Parties to the Geneva Conventions with regard to penal sanctions, grave breaches and responsibilities.

8. The Heads of State and Government also reiterated their condemnation of Israel's inhumane and unlawful blockade of the Gaza Strip, which has resulted in the virtual imprisonment of the entire Palestinian civilian population there by obstructing their freedom of movement, including movement of sick persons, students and humanitarian personnel; their access to aid and all essential goods, including food, medicines and fuel, construction materials and commercial flows. They expressed serious concern about the exacerbation of the humanitarian crisis due to the severe impact



of the blockade, which has caused grave deterioration of socio-economic conditions, including widespread poverty, unemployment, hardship, declining health conditions and decay of infrastructure and institutions in all sectors.

9. The Heads of State and Government stressed that, in addition to violating human rights law, such collective punishment measures are tantamount to grave breaches of international humanitarian law. They thus demanded that Israel cease such illegal practices against the Palestinian people and permanently end its illegal blockade of the Gaza Strip by allowing for the immediate and sustained opening of all of the Gaza Strip's border crossings, in accordance with international humanitarian law, United Nations resolutions and the November 2005 Agreement on Movement and Access, necessary for alleviating the humanitarian crisis and for the urgent reconstruction and economic recovery needs of the Palestinian people.

10. The Heads of State and Government reiterated their strong condemnation of Israel's continuing unlawful campaign of settler colonization in the Occupied Palestinian Territory, including East Jerusalem, and of escalating settler violence and terror against the Palestinian civilian population. They expressed their grave concern in this regard about intensifying illegal colonization activities, including vast land confiscations; construction and expansion of settlements, settlement "outposts" and infrastructure; transfer of more Israeli settlers; construction of the Wall; home demolitions; excavations and the imposition of arbitrary, racist residency and movement restrictions on the Palestinian civilian population via a permit regime and

hundreds of checkpoints throughout the Occupied Palestinian Territory, especially in and around Occupied East Jerusalem.

11. The Heads of State and Government reiterated their deep concern about the extensive physical, economic and social devastation being caused by the Israeli settlements, Wall and checkpoints, which are severing the Palestinian Territory into separate areas, including several walled cantons; isolating East Jerusalem from the rest of the Territory; displacing thousands of Palestinians from their homes; causing severe damage to the economic, social and cultural fabric of the Palestinian society; and destroying some communities in their entirety. They cautioned that this illegal colonization campaign is gravely undermining the contiguity, integrity, viability and unity of the Occupied Palestinian Territory and jeopardizing the prospects for achieving the two-State solution for peace on the basis of the pre-1967 borders with the establishment of the sovereign, independent State of Palestine with East Jerusalem as its capital.

12. In this regard, the Heads of State and Government expressed their grave concern in particular about the situation in and around East Jerusalem, where Israel's colonization campaign is most intense and clearly aimed at illegally altering the city's demographic composition, physical character and legal status. They condemned Israel's settlement and Wall construction, transfer of more settlers, home demolitions and excavations in and around the city, including in the area of Al-Haram Al-Sharif (Noble Sanctuary) in the Old City, its continued closure of Palestinian institutions, and other measures aimed at de-populating the city of its Palestinian inhabitants and

entrenching the occupying Power's unlawful control of the city. They called for urgent action to halt all Israeli colonization measures to illegally and unilaterally determine the fate of East Jerusalem, capital of the future Palestinian State.

13. The Heads of State and Government reiterated their complete rejection of and their demand that Israel completely cease forthwith all such colonization policies and measures in the Occupied Palestinian Territory, including East Jerusalem. They reiterated that such aggressive, destructive and provocative policies and measures by the occupying Power constitute grave breaches of international humanitarian law and flagrant defiance of United Nations resolutions and the 9 July 2004 Advisory Opinion of the International Court of Justice. They stressed the incompatibility of peace process negotiations with such colonization activities deliberately aimed at the illegal acquisition and de facto annexation of more Palestinian land and forcibly imposing a unilateral solution. In this regard, they further reaffirmed the many United Nations Security Council and General Assembly resolutions demanding the cessation of these illegal policies and practices, which deemed them to be null and void and with no legal validity whatsoever, and called for full respect and implementation of those resolutions to bring an end to Israel's illegal settlement campaign in the Occupied Palestinian Territory and to salvage the two-State solution for peace.

14. In the face of continued Israeli defiance, the Heads of State and Government called for urgent action by the international community to compel the occupying Power to abide by all of its obligations under international law, including the Fourth Geneva Convention,

United Nations resolutions, the Advisory Opinion and the Road Map. They called on the High Contracting Parties to uphold their obligations in accordance with the Fourth Geneva Convention to respect and ensure respect of the Convention in all circumstances. Moreover, they reiterated their call upon Member States and the United Nations to uphold their obligations in accordance with the Advisory Opinion and the demands made in General Assembly resolution ES-10/15, including the obligation not to recognize the illegal situation resulting from the construction of the Wall and not to render aid or assistance in maintaining the situation created by such construction. They called upon the United Nations Security Council and General Assembly to consider further action to bring an end to the illegal situation resulting from the construction of the Wall in the Occupied Palestinian Territory, including East Jerusalem. In this regard, they called again for the expeditious operation of the "United Nations Register of Damage" and the speedy fulfilment of its mandate. The Heads of State and Government also reiterated their call for specific actions to be taken including by legislative measures, collectively, regionally and individually, to prevent any products of the illegal Israeli settlements from entering their markets, consistent with obligations under international treaties, to decline entry to Israeli settlers and to impose sanctions on companies and entities involved in construction of the Wall and other illegal colonization activities in the Occupied Palestinian Territory, including East Jerusalem.

15. Further, in this regard, the Heads of State and Government called for application of all appropriate and available legal remedies to end the human rights violations and grave breaches of international

humanitarian law being committed by Israel in the Occupied Palestinian Territory, including East Jerusalem, and to hold it accountable. They reiterated their firm conviction that respect for and compliance with international law and United Nations resolutions and decisions will positively influence and are necessary to advance the efforts for achieving a just, peaceful, political settlement of the Israeli-Palestinian conflict.

16. The Heads of State and Government reaffirmed their support for the Palestine Liberation Organization, the sole and legitimate representative of the Palestinian people, and the Palestinian Authority under the leadership of President Mahmoud Abbas, and emphasized the importance of maintaining and protecting the national and democratic institutions of the Palestinian Authority, including the Palestinian Legislative Council, which shall constitute a vital foundation for the future independent Palestinian State. They called for urgent efforts to rehabilitate and develop Palestinian institutions and stressed the need for mobilization of Palestinian capabilities to preserve the territorial unity and integrity of the Palestinian Territory, including East Jerusalem, to end the occupation and to achieve the independence of the State of Palestine. They reiterated their call for restoration of the situation in the Gaza Strip to that which existed prior to the events of June 2007 and stressed the importance and urgency of Palestinian reconciliation and unity. They expressed their support for Egyptian and regional efforts in this regard and their hope for speedy achievement of Palestinian reconciliation and unity, essential for the realization of the just, legitimate national aspirations of the Palestinian people.

17. The Heads of State and Government called for intensified efforts by the international community, in particular the Security Council and the Quartet, to address the current political and humanitarian crisis, to ameliorate the situation on the ground and to help advance a peace process and a two-State settlement that guarantees an end of the Israeli occupation of the Palestinian Territory, including East Jerusalem, that began in 1967, and the establishment of the sovereign, independent, and viable state of Palestine within a specified timeframe as well as a just solution for the Palestine refugee problem on the basis of General Assembly resolution 194 (III). They stressed that such a settlement is essential for the promotion of comprehensive peace and security in the region. They called upon the Security Council, considering its Charter authority for maintenance of international peace and security, to actively engage the Quartet for advancement of such a peace settlement. They stressed in this regard the continuing relevance of the Arab Peace Initiative and the Road Map and called for its full and honest implementation. In this connection, they emphasized the importance of the timely convening of the proposed international conference in Moscow in follow-up of the Annapolis Conference.

18. The Heads of State and Government reaffirmed the permanent responsibility of the United Nations towards the question of Palestine until it is resolved in all aspects on the basis of international law. In this context, reaffirming the imperative of upholding international law and the United Nations Charter, the Heads of State and Government reiterated their call upon the Security Council to assume its responsibilities and to act on the basis of its own resolutions to compel Israel to respect

international law and to bring an end to all of its illegal practices and its occupation. They expressed appreciation to the members of the Non-Aligned Movement Caucus of the Security Council for their efforts concerning Palestine and called upon them to continue coordination on the issue and to remain actively involved, with a view to enhancing the role played by the Movement in the international drive to achieve a just solution to the question of Palestine and lasting peace in the region as a whole.

19. The Heads of State and Government thus reaffirmed their conviction that a vital role should continue to be played by the Movement vis-à-vis the question of Palestine and entrusted the Chair, assisted by the Committee on Palestine, to lead the efforts of the Movement with regard to the pursuit of a comprehensive, just and lasting peace in the region. They stressed the importance of active contacts and dialogue by the Movement at the ministerial level with the members of the Quartet, the members of the Security Council and other relevant parties in the peace process in order to convey the Movement's principled positions and advance efforts aimed at promoting the peace process and at ensuring respect for international law and United

Nations resolutions, the keys to a peaceful settlement of the Israeli-Palestinian conflict and the Arab-Israeli conflict as a whole.

20. The Heads of State and Government underscored the importance of the work of non-governmental organizations, civil society and peace groups, particularly on the Palestinian and Israeli sides, and encouraged them to continue their positive work.

21. In conclusion, the Heads of State and Government reaffirmed their long-standing, principled political support and solidarity with the just cause of Palestine, reaffirming their strong commitment to continue supporting the Palestinian people and their leadership, including by provision of assistance during this time of crisis, in contribution to the overall efforts to bring an end to the Israeli occupation that began in 1967 and to hasten the realization of a just, peaceful and permanent solution of the Israeli-Palestinian conflict, the core of the Arab-Israeli conflict, and of the right of the Palestinian people to exercise self-determination and sovereignty in their independent State of Palestine, on the basis of the pre-1967 borders, with East Jerusalem as its capital.

#### **IV. EUROPEAN UNION EXPRESSES CONCERN OVER EAST JERUSALEM EVICTIONS**

*On 21 July 2009, the Swedish Presidency of the European Union issued the following statement on the situation in East Jerusalem:*

The Presidency of the European Union urges Israel to refrain from provocative actions in East Jerusalem, including home demolitions and evictions, as stated also by the Quartet on 26 June 2009. Such actions are illegal under international law.

Regarding threats of imminent evictions, the Presidency recalls the EU declaration of 24 March 2009:

“The EU is deeply concerned by the issuing of eviction notices to the al-Rawi

and Hanoun families in East Jerusalem. These eviction notices follow other recent orders which adversely affect Palestinians living in East Jerusalem and, combined with the increase in settlement activity in East Jerusalem, further threaten the chances of

peace. We have raised our concerns with the Israeli government and call on Israel to suspend these eviction notices immediately and, in addition, to allow the al-Kurd family to return to their home.”

## **V. COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE HOLDS INTERNATIONAL MEETING ON RESPONSIBILITY TO PROTECT IN WAKE OF GAZA WAR**

*On 22 and 23 July 2009, the Committee on the Exercise of the Inalienable Rights of the Palestinian People held the United Nations International Meeting on the Question of Palestine at the United Nations Office at Geneva, under the theme “Responsibility of the international community to uphold international humanitarian law to ensure the protection of civilians in the Occupied Palestinian Territory in the wake of the war in Gaza.” The following is the Concluding Statement of the Organizers issued at the conclusion of the Meeting.*

1. The United Nations International Meeting on the Question of Palestine was held on 22 and 23 July 2009, at the United Nations Office at Geneva, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The theme of the Meeting was “Responsibility of the international community to uphold international humanitarian law to ensure the protection of civilians in the Occupied Palestinian Territory in the wake of the war in Gaza”. Participants in the Meeting included internationally renowned legal and other experts, including Israelis and Palestinians, representatives of the United Nations, Members and Observers, parliamentarians and representatives of parliamentary organizations, representatives of the United Nations system and other intergovernmental organizations, the academic community, representatives of civil society organizations, as well as the media.

2. The Meeting took place against the backdrop of a series of disturbing

developments, the principal among which was the military offensive of the Israel Defence Forces in the Gaza Strip in December 2008 and January 2009 which gave rise to serious allegations of violations of international humanitarian law. It also took place subsequent to the Sharm el-Sheikh Summit held in March 2009 in order to raise funds for the reconstruction of Gaza after Operation Cast Lead, the election of Mr. Benjamin Netanyahu as Prime Minister of Israel in February 2009, a complete standstill in the peace negotiations, as well as continued internal Palestinian divisions blocking reconciliation and restoration of national unity in the Occupied Palestinian Territory, including East Jerusalem.

3. The participants urged all actors in the international community to renew their commitment and resolve to uphold international law. They welcomed the firm stance adopted by United States President Barack Obama regarding the need for a complete halt to Israeli settlement activity in the West Bank. Despite the fact that Prime

Minister Netanyahu mentioned the two-State solution for the first time on 14 June 2009 with so many unacceptable conditions attached, the participants found that his statements and those of members of his Cabinet were disquieting in view of the conditions to be met by the Palestinians before the Israeli Government would consider resuming final status negotiations. The participants welcomed the commitment reaffirmed by the leaders of the Non-Aligned Movement at their recent summit in Sharm el-Sheikh expressing strong backing for the achievement by the Palestinian people of their just rights, including an independent State and emphatic solidarity with the Palestinian people's inalienable rights of self-determination, return of refugees and a viable state with East Jerusalem as its capital.

4. The participants expressed serious concern at the continued settlement activities in the West Bank including in and around East Jerusalem, in contravention of Israeli obligations under the road map. They were disturbed in particular about the recent developments in East Jerusalem, including the increase in the number of house demolitions. The participants recalled that five years had elapsed since the International Court of Justice (ICJ) had issued its landmark advisory opinion on 9 July 2004 confirming the illegality of building the wall in the West Bank and the illegality of building settlements in the Occupied Territory. They deplored the fact that this historic ruling by the international community's highest judicial organ has largely remained a dead letter and that the Israeli Government has continued the construction of the wall in defiance of the advisory opinion and in violation of the Fourth Geneva Convention and United Nations resolutions. The ICJ ruling implies

that the wall cannot be viewed by Israel as a permanent political boundary thus predetermining final status negotiations.

5. The participants concluded that the resolution of the conflict through direct negotiations should be firmly based on the principles of international law and would result in the goal of two States – an independent, viable, democratic and territorially contiguous Palestine, living side by side in peace and security with Israel. They were all the more disturbed by accounts of serious violations of international humanitarian law, including possible international crimes and war crimes, committed by Israeli troops during Operation Cast Lead in the Gaza Strip. Equally disquieting was the virtually complete denial by Israel of breaking the rules governing the conduct of war, including the use of illegal weapons and excessive force disproportionate to any threat that may have been faced by the army in densely populated areas. The participants deplored the lack of cooperation by Israel with many of the investigations into its conduct of hostilities in the wake of the Gaza offensive.

6. The participants were particularly dismayed by the fact that Israel has maintained a tight blockade of the Gaza Strip after Operation Cast Lead and the massive destruction of property and infrastructure which took place. This has resulted in all but a trickle of the most indispensable humanitarian relief aid which has exacerbated the already dire socio-economic situation and kept the population barely one step ahead of starvation. Virtually no material for rehabilitation and reconstruction has been permitted to enter so far. Patients affected by serious illnesses or needing urgent medical interventions outside

the Gaza Strip have continued to suffer and die for lack of permits to leave Gaza. In the West Bank, the closure regime associated with the construction of the wall, the permit system as well as checkpoints have all continued unabated and have severely restricted freedom of movement in the territory. The participants stressed that urgent attention by the international community was needed to redress this dismal and unacceptable situation.

7. The participants expressed serious concern that Israel was not abiding by its obligations under the Fourth Geneva Convention to provide protection to the civilian population under its 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, the United Nations Security Council and the International Court of Justice. The participants recalled that the Fourth Geneva Convention, as an instrument of international humanitarian law, was applicable, regardless of the national legislation of Israel, which is a High Contracting Party to the Convention. They encouraged principled action by the international community to ensure respect of and adherence to norms of international humanitarian law. In particular, they appealed to all the High Contracting Parties to the Fourth Geneva Convention to fulfil their obligations in accordance with common article 1, which requires the High Contracting Parties to respect and to ensure respect for the Convention in all circumstances. They expressed their hope that the High Contracting Parties would take, individually or collectively, the measures they deem appropriate to ensure respect of

the Convention, including the convening of a High Contracting Parties conference to address the subject of respect and ensuring respect for the Conventions in all circumstances.

8. In view of the gravity of these developments, the participants reaffirmed that the principal tool to redress the situation and uphold justice was respect for international law as embodied in international legal instruments such as the Fourth Geneva Convention, the ICJ advisory opinion and relevant United Nations resolutions. It was only by respecting and ensuring respect for international law, including international humanitarian and human rights law, that the international legal system can fulfil its purpose. International justice can only be restored through the commitment of all actors in the international community to ensure accountability for breaches of international humanitarian and human rights law and put an end to impunity. Perpetrators of serious crimes have to be brought to justice and held accountable for their actions. In this connection, the participants called for the implementation of the recommendations of all United Nations investigations conducted by different commissions. One way to support this is to ensure the understanding of the public at large through information and explanation. Participants agreed that no State should be allowed to deem itself above the law. Only respect for international law will allow for the resumption of a genuine dialogue with a view to resolve the Israeli-Palestinian conflict.

9. The participants called upon all Governments to live up to their legal commitments entered into by ratifying the Geneva Conventions and other legal

instruments and to apply them to the realization of their political goals, namely the implementation of the international consensus on the two-State solution. They urged regional organizations to respect their own guidelines on promoting compliance with international humanitarian law and the human rights clauses of the agreements that they have concluded. The participants called on parliamentarians to incorporate in their national legislation laws allowing for the prosecution of serious violations of international humanitarian law and encouraged their umbrella organizations to promote the acceptance of universal standards. Civil society organizations should enhance their advocacy of adherence to international law in relation to the Occupied Palestinian Territory. They called upon the media to inform the public about the situation and heighten their awareness of issues relating to international law.

10. The participants reaffirmed the permanent responsibility of the United Nations with respect to all the aspects of the question of Palestine, until it is resolved in conformity with relevant United Nations

resolutions and norms of international law, and until the inalienable rights of the Palestinian people were fully realized. The participants expressed their appreciation to the Committee for convening this timely Meeting. They expressed the hope that the unprecedented level of mobilization and the results of the investigations into the events in Gaza will result in bringing to justice alleged perpetrators of war crimes on either side.

11. The participants welcomed the announcement that the Committee and the Parliamentary Assembly of the Mediterranean will jointly convene early next year in Malta a meeting on the status of Jerusalem.

12. The participants also expressed gratitude to the United Nations Secretary-General for his continued commitment to and support for the work of the Committee, and to the Director-General of the United Nations Office at Geneva for hosting this Meeting and for the assistance and support extended to the Committee and the United Nations Secretariat in its preparation.

## **VI. SECURITY COUNCIL HOLDS OPEN DEBATE ON PALESTINIAN QUESTION**

*On 27 July 2009, the Security Council held an open debate on “The situation in the Middle East, including the Palestinian question.” The following are excerpts from the briefing by Assistant Secretary-General for Political Affairs Oscar Fernandez-Taranco (S/PV.6171):*

It is a pleasure for me to brief the Council for the first time as Assistant Secretary-General for Political Affairs. Since the Council was last briefed by the Special Coordinator for the Middle East Peace Process, on 23 June 2009, there have been concerted efforts by the international community to create the conditions for the

prompt resumption and early conclusion of negotiations to reach the end goal of a two-State solution.

On 26 June, the Secretary-General joined other members of the Quartet at a meeting in Trieste, which was followed by a meeting with Foreign Ministers of the



Follow-up Committee of the League of Arab States on the Arab Peace Initiative. The Quartet underscored that the only viable solution to the Israeli-Palestinian conflict is one that ends the occupation that began in 1967 and fulfils the aspirations of both parties for independent homelands through two States for two peoples: Israel and an independent, contiguous and viable State of Palestine, living side by side in peace and security. All Quartet members affirmed their determination to continue actively and vigorously to seek a comprehensive solution to the Arab-Israeli conflict.

At Trieste, United States Special Envoy George Mitchell briefed both the Quartet and the Arab foreign ministers on the United States intensive efforts with all parties throughout the region. He stressed that the objective was peace and not yet another process. I am sure that all Council members are aware that Senator Mitchell will be visiting the region for the fifth time later this week, as are a number of senior United States officials. The Quartet envoys will also meet in Jerusalem at the end of this month to actively follow up with the parties to promote the implementation of Quartet positions and formulate recommendations for Quartet action.

There was strong agreement among Quartet members that both Israel and the Palestinians should implement their obligations under the road map, and they urged the Government of Israel to freeze all settlement activity, including natural growth. I regret to report that illegal settlement activity is continuing across the West Bank, including East Jerusalem, and that there was no evacuation of settlement outposts during the reporting period. The situation in East Jerusalem is of particular concern due to the

developments on the ground, especially indications of new settlement construction and house demolitions.

The international community expressed its concern following the Jerusalem municipality planning committee's approval of the construction of 20 new housing units on the site of the Shepherd Hotel in the East Jerusalem neighbourhood of Sheikh Jarrah. On 19 July, in the Wadi Joz neighbourhood of East Jerusalem, at the homes of two families that have received eviction orders, Special Coordinator Serry met with representatives of the European Union Troika and other members of the international community in order to express their concern at the plight of the families and at the prospect of new settlement construction in East Jerusalem. The homes are part of a neighbourhood of 26 Palestinian refugee families that all face the threat of eviction.

In a significant development yesterday, settlers accompanied by Israeli security forces took physical possession of a house in another area of Sheikh Jarrah. Demolition orders for Palestinian construction without a permit were carried out against three Palestinian homes during the reporting period and a further 13 new orders were issued. Palestinian institutions in East Jerusalem remain closed by Israeli order, and on 15 July a community centre in East Jerusalem was closed. These unilateral actions in highly sensitive areas of East Jerusalem increase tensions and undermine confidence in the basis for the two-State solution. The position of the Secretary-General is clear — the future of Jerusalem remains a matter for final status negotiations between the parties.

In the reporting period, there were 51 incidents in which 19 Palestinians were injured and property was vandalized by settlers. Two Israelis were also injured in these incidents. On 20 July, settlers injured two Palestinians and set fire to agricultural land in the village of Burin. There continues to be inadequate enforcement of the rule of law on violent settlers.

his reporting period marks five years since an advisory opinion of the International Court of Justice stated that construction of the wall within occupied Palestinian territory is contrary to international law. The construction of the barrier has compounded movement restrictions in the West Bank, and its planned route includes some 9.5 per cent of the area of the West Bank. Approximately 58 per cent of the barrier in its current planned route has been completed, and construction is ongoing.

The Quartet principals agreed that transformative change on the ground should form an integral and essential part of the agenda for peace. In this respect, there were some improvements in the West Bank in the reporting period. Israel has implemented a number of measures to ease movement between Nablus, Qalqilya, Ramallah and Jericho. Initial field observations indicate that these measures have significantly reduced the amount of time required for Palestinians to access these cities.

The Government of Israel has also announced that the hours for commercial crossing at the Allenby Bridge to Jordan will be increased and that it will promote the development of three key industrial zones in Bethlehem, Jenin and Jericho. These welcome steps by Israel, if sustained and

expanded, would have a significant impact on Palestinian freedom of movement and on economic development.

There are now a total of 613 closure obstacles within the West Bank. This figure has been jointly confirmed for the first time following cooperation by the Israel Defence Forces (IDF) Central Command and the Office for the Coordination of Humanitarian Affairs, including detailed cross-checking and a series of joint field trips.

In a difficult context, the Palestinian Authority has continued to pursue an ambitious reform agenda. From the establishment of a national credit bureau to the modernization of the legal framework for investment, a number of measures are being implemented to strengthen the foundations for socio-economic sustainability. I reiterate the call of the Ad Hoc Liaison Committee and the Quartet for robust and sustained financial support for the Palestinian Authority.

However, the fiscal situation of the Palestinian Authority remains dire. The International Monetary Fund estimates that \$900 million in external financing is still needed for the remainder of the year, including \$300 million to respond to needs in Gaza. It is essential that donor countries fulfil all pledges made at Paris in December 2007 and Sharm el-Sheikh in March this year.

As the Quartet also noted in its meeting in Trieste, the Palestinian Authority has made important steps to reform its security sector. Members of the judicial police completed a training course on 5 July, and the renovation of prisons is under way in several West Bank cities. Five police

stations are also being constructed in Jenin governorate. Palestinian forces are now free to operate at night in four West Bank cities following improved coordination with Israel.

The situation was generally calm in the West Bank and there were no fatalities recorded during the reporting period, although 19 Palestinians and 10 Israelis were injured. Israeli security forces continued to arrest Palestinians, but in lower numbers than in previous periods. In a disturbing development, on 4 July a Palestinian Authority official reported that Palestinian security forces had uncovered arms, explosives and \$8.5 million in cash from Hamas cells in the West Bank. I urge the Palestinian Authority to continue to make every effort to improve law and order and to fight violent extremism, consistent with its road map obligations.

The Secretary-General shared with the Quartet his belief that the situation in Gaza is unsustainable and not in the interests of any of those concerned. Security Council resolution 1860 (2009) remains the main framework for the way forward in Gaza. The notable and welcome drop in violence reported in the most recent briefing has continued into this reporting period. However, there were four incidents of rockets or mortars being fired into Israel during the past month and nine Israeli army incursions into the Gaza Strip, in which two Palestinian children were killed and seven Palestinians injured. A reported seven Palestinians were killed today when a tunnel used for smuggling collapsed. No mechanism has been put in place to prevent the illicit trafficking in arms and ammunition in Gaza.

I would like to stress that the Quartet called for a sustained reopening of all

crossing points to ensure the regular flow of people and humanitarian and commercial goods into Gaza. A few categories of goods, including small quantities of cement and glass, prohibited for import since June 2007, were allowed into Gaza on an exceptional basis during the reporting period. Overall, an average of 78 trucks per day were allowed into Gaza, an increase from approximately 70 trucks per day in June and a marked increase from the 18 trucks per day in November 2008. However, in May 2007, prior to the imposition of the comprehensive closure regime, 475 trucks per day were entering Gaza as part of normal commerce and trade. About 70 per cent of imports during the reporting period were human and animal food products while most industrial, agricultural and construction materials were either prohibited or severely restricted. No exports were allowed out of Gaza during this period.

Over the past month, the amount of industrial fuel entering Gaza through the crossing points was sufficient to meet approximately 70 per cent of the quantities needed for Gaza power plants to operate at full capacity. Power cuts continued throughout the Gaza Strip, directly affecting most households' ability to refrigerate foods, as well as the provision of essential services like water and sanitation, health care and storage of medicine as well as waste disposal. Due to the lack of materials needed to fix damage sustained to the network during Operation Cast Lead, some 10 per cent of the population in Gaza remained without any electricity at all.

It is important to note that the tunnel economy continues in Gaza, with smuggling providing an increasingly broad range of consumer goods, and of black market petrol in particular. The alternative tunnel network

has alleviated some of the shortages, but it cannot be a substitute for a healthy and functioning economy based on the free movement of goods.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East has opened more than a 150 summer camps in Gaza which are being attended by over 185,000 children. Under the coordination of the United Nations Development Programme (UNDP), efforts to clear over 600,000 tons of rubble have begun. In support of UNDP efforts, the United Nations Mine Action Team for Gaza has received its special explosive ordnance disposal equipment but still waits for delivery of special explosives to destroy unexploded ordnance.

No significant amounts of materials for reconstruction have been allowed into Gaza and I reiterate the Secretary-General's position that this situation is completely unacceptable. In Trieste, the Quartet has expressed its support for the United Nations proposal to kick-start early recovery in Gaza by opening the crossings for materials to complete United Nations construction work on housing, health and education facilities suspended since June 2007. We call on Israel for a prompt and positive response to this proposal.

A further, inconclusive round of talks aimed at reconciling Fatah and Hamas was also held in Cairo on 28 June. Egyptian efforts have now been put on hold, at President Abbas' request, to enable Fatah to focus their efforts on their reform efforts at the upcoming Fatah Congress, scheduled for 4 August in Bethlehem. The factions are due to meet again in Cairo on 25 August. Meanwhile, Hamas continues to assert its control over the Strip and maintains a visible

police presence in public places. On 9 July, in a new development for Gazan society, the Hamas Chief Justice in Gaza instituted a rule that women lawyers must wear a traditional gown and head covering in court. Intra-Palestinian relations remain tense and on 21 July, a bomb injured 61 people at a wedding in Khan Younis.

Fatah claims that nearly 200 of its members in Gaza have been detained over the course of the reporting period. Fatah has also expressed its concern that its members in Gaza will be prevented from attending its sixth Congress in Bethlehem.

On 14 July, the new Israeli negotiator met in Cairo with his Egyptian counterpart to discuss prospects for the release of Israeli captive Gilad Shalit in exchange for a number of the 11,000 Palestinian prisoners held in Israeli jails. The International Committee of the Red Cross has still not been granted access to Shalit after his more than three years in captivity.

Justice Goldstone returned to Gaza on 28 June to conduct two days of public hearings with victims and relatives of the Cast Lead Operation. On 6 July, similar hearings were held in Geneva, during which witnesses and victims from the West Bank and southern Israel testified, including Noam Shalit, the father of captured Israeli soldier Gilad Shalit. This mission's report will be presented to the Human Rights Council in August, for discussion at the Council's next session in September.

In the region, Arab League foreign ministers met in Cairo on 24 June and welcomed a new beginning for United States relations with the Arab and Muslim world and President Obama's commitment to exert every effort towards comprehensive peace in

the region. The foreign ministers emphasized the importance of a complete Israeli settlement freeze and the need to lift the blockade of the Gaza Strip as two key elements to create the necessary climate for the resumption of peace negotiations.

The Quartet took note of the Arab League statement and expressed support for dialogue among all States in the region in the spirit of the Arab Peace Initiative. The Quartet called on Arab States to take steps to recognize Israel's rightful place in the region, to affirm that violence cannot achieve regional peace and security, and to assist the Palestinian people in building their future State through consistent support for the Palestinian Authority.

...

Now is the time for Israel, the Palestinians and all actors in the region to play their part to end the Arab-Israeli conflict and to create a better future for all in the Middle East. The Quartet will meet on the margins of the General Assembly in New York in September, and there will also be a meeting of the Ad Hoc Liaison Committee. We continue to support the convening of an international conference in Moscow in 2009.

We remain determined to actively and vigorously seek a comprehensive resolution to the Arab-Israeli conflict on the basis of Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), the Madrid framework, including the principle of land for peace, the road map and agreements previously reached between the parties.

## **VII. ECONOMIC AND SOCIAL COUNCIL ADOPTS RESOLUTIONS ON PALESTINIAN WOMEN, LIVING CONDITIONS**

*At its 2009 substantive session held in Geneva from 6 to 31 July, the Economic and Social Council adopted resolution 2009/14 entitled "Situation of and assistance to Palestinian women" and resolution 2009/34 entitled "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 the Arab population in the occupied Syrian Golan". The two resolutions are reproduced below:*

### **2009/14. Situation of and assistance to Palestinian women**

*The Economic and Social Council,*

*Having considered with appreciation the report of the Secretary-General on the situation of and assistance to Palestinian women,*

*Recalling the Nairobi Forward-looking Strategies for the Advancement of Women,*

*in particular paragraph 260 concerning Palestinian women and children, the Beijing Platform for Action adopted at the Fourth World Conference on Women, and the outcomes of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century",*

*Recalling also its resolution 2008/11 of 23 July 2008 and other relevant United Nations resolutions, including General Assembly resolution 57/337 of 3 July 2003,*

on the prevention of armed conflict, and Security Council resolution 1325 (2000) of 31 October 2000, on women and peace and security,

*Reaffirming* the important role of women in the prevention and resolution of conflicts and in peacebuilding, and stressing the importance of their equal participation and involvement in all efforts for the maintenance and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution,

*Recalling* the Declaration on the Elimination of Violence against Women as it concerns the protection of civilian populations,

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

*Expressing grave concern* over the increased difficulties being faced by Palestinian women and girls living under Israeli occupation, including the sharp increase in poverty, soaring unemployment, increased food insecurity, incidents of domestic violence and declining health, education and living standards, including the rising incidence of trauma and decline in their psychological well-being, and expressing grave concern about the deepening humanitarian crisis and rising insecurity and instability on the ground in the Occupied Palestinian Territory, in particular in the Gaza Strip,

*Deploping* the deteriorating economic and social conditions of Palestinian women and girls in the Occupied Palestinian Territory, including East Jerusalem, and the systematic violation of their human rights resulting from the severe impact of ongoing illegal Israeli practices, including the continued imposition of closures and restrictions on the movement of persons and goods, which have detrimentally affected their right to health care, including access by pregnant women to health services for antenatal care and safe delivery, education, employment, development and freedom of movement,

*Deploping also* the intensified Israeli military operations in the Gaza Strip, which have caused heavy casualties among civilians, including many children and women, and widespread damage to homes, United Nations schools and facilities, hospitals and public infrastructure, gravely impacting the provision of vital health and social services to Palestinian women and their families, and emphasizing that the civilian population must be protected,

*Stressing* the importance of providing assistance, especially emergency assistance, to alleviate the dire socio-economic and humanitarian situation being faced by Palestinian women and their families,

*Emphasizing* the importance of increasing the role of women in decision-making with regard to conflict prevention and the peaceful resolution of conflicts as part of efforts to ensure the safety and well-being of all women in the region,

*Affirming* the importance of exploring means to address the situation of and Assistance to Palestinian women in the

resolutions of the sixty-fourth session of the General Assembly under the relevant agenda items,

1. *Urges* the international community to continue to give special attention to the promotion and protection of the human rights of Palestinian women and girls and to intensify its measures to improve the difficult conditions being faced by Palestinian women and their families living under Israeli occupation;

2. *Reaffirms* that the Israeli occupation remains a major obstacle for Palestinian women with regard to their advancement, self-reliance and integration in the development of their society, and stresses the importance of efforts to increase their role in decision-making with regard to conflict prevention and resolution and to ensure their equal participation and involvement in all efforts for the maintenance and promotion of peace and security;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions and principles of the Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention IV of 18 October 1907, the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and all other relevant rules, principles and instruments of international law, including the international human rights Covenants, in order to protect the rights of Palestinian women and their families;

4. *Calls upon* Israel to facilitate the return of all refugees and displaced

Palestinian women and children to their homes and properties, in compliance with the relevant United Nations resolutions;

5. *Calls upon* the international community to continue to provide urgently needed assistance, especially emergency assistance, and services in an effort to alleviate the dire humanitarian crisis being faced by Palestinian women and their families and to help in the reconstruction of relevant Palestinian institutions, with the integration of a gender perspective into all of its international assistance programmes;

6. *Requests* the Commission on the Status of Women to continue to monitor and take action with regard to the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, in particular paragraph 260 concerning Palestinian women and children, the Beijing Platform for Action and the outcomes of the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”;

7. *Requests* the Secretary-General to continue to review the situation, to assist Palestinian women by all available means, including those set out in the report of the Secretary-General on the situation of and assistance to Palestinian women, and to submit to the Commission on the Status of Women at its fifty-fourth session a report, including information provided by the Economic and Social Commission for Western Asia, on the progress made in the implementation of the present resolution.

**2009/34.**

**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 the Arab population in the occupied Syrian Golan**

*The Economic and Social Council,*

*Recalling* General Assembly resolution 63/201 of 19 December 2008,

*Recalling* also its resolution 2008/31 of 25 July 2008,

*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, 252 (1968) of 21 May 1968, 338 (1973) of 22 October 1973, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

*Recalling* the resolutions of the tenth emergency special session of the General Assembly, including ES-10/13 of 21 October 2003, ES-10/14 of 8 December 2003, ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

*Reaffirming* the 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 other Arab territories occupied by Israel since 1967,

*Recalling* the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on

the Rights of the Child, 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,

*Stressing* the importance of the revival of the Middle East peace process on the basis of Security Council resolutions 242 (1967), 338 (1973), 425 (1978), 1397 (2002), 1515 (2003), 1544 (2004) and 1850 (2008), the principle of land for peace, and the Arab Peace Initiative, as affirmed in the Arab Summit in Doha, as well as compliance with the agreements reached between the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,

*Reaffirming* the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources, and expressing concern in this regard about the exploitation of natural resources by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan,

*Convinced* that the Israeli occupation has gravely impeded the efforts to achieve sustainable development and a sound economic environment in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and expressing grave concern about the consequent deterioration of economic and living conditions,

*Gravely concerned* in this regard about Israel's continuation of settlement activities and other related measures in the Occupied Palestinian Territory, particularly in and around occupied East Jerusalem, as well as in the occupied Syrian Golan in violation of



international humanitarian law and relevant United Nations resolutions,

*Gravely concerned also* by the serious repercussions on the economic and social conditions of the Palestinian people caused by Israel's construction of the wall and its associated regime inside the Occupied Palestinian Territory, including in and around East Jerusalem, and the resulting violation of their economic and social rights, including the right to work, to health, to education, to property and to an adequate standard of living,

*Recalling* in this regard 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*, and General Assembly resolution ES-10/15, and stressing the need to comply with the obligations mentioned therein,

*Expressing grave concern* at the extensive destruction by Israel, the occupying Power, of properties, including homes, economic institutions, agricultural lands and orchards in the Occupied Palestinian Territory, including East Jerusalem, and, in particular, in connection with its construction of the wall, contrary to international law, in the Occupied Palestinian Territory, including in and around East Jerusalem,

*Expressing grave concern also* over the continued policy of home demolitions and displacement of the population in and around occupied East Jerusalem in particular, as well as measures to further isolate the city from its natural Palestinian environs, including through the accelerated construction of settlements, construction of the wall and imposition of checkpoints,

which have seriously exacerbated the already dire socio-economic situation being faced by the Palestinian population,

*Expressing grave concern further* about continuing Israeli military operations and the continuing Israeli policy of closures and severe restrictions on the movement of persons and goods, including humanitarian personnel as well as food, medical, fuel and other essential supplies, via the imposition of crossing closures, checkpoints and a permit regime throughout the Occupied Palestinian Territory, including East Jerusalem, and the consequent negative impact on the socio-economic situation of the Palestinian people, which remains that of dire humanitarian crisis, particularly in the Gaza Strip, where grave hardships continue to mount as a result of Israel's imposition of a blockade and siege as collective punishment of the entire civilian population,

*Deploring* the Israeli military aggression against the Gaza Strip that was launched on 27 December 2008, which caused heavy casualties among civilians, including hundreds of children and women, and widespread damage to homes, vital infrastructure, hospitals, schools and several United Nations facilities, gravely impacting the provision of vital health and social services to Palestinian women and their families, and in this regard calling for the expeditious commencement of the reconstruction process in the Gaza Strip with the assistance of the donor countries, including the disbursement of funds pledged in the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza, held in Sharm el-Sheikh, Egypt, in March 2009,

*Gravely concerned* by various reports of the United Nations and specialized

agencies regarding the almost total aid dependency caused by prolonged border closures, inordinate rates of unemployment, widespread poverty and severe humanitarian hardships, including food insecurity and rising health-related problems, including high levels of malnutrition among the Palestinian people, especially children, in the Occupied Palestinian Territory, including East Jerusalem,

*Expressing grave concern* at the increasing number of deaths and injuries of civilians, including children and women, and emphasizing that the Palestinian civilian population must be protected in accordance with international humanitarian law,

*Emphasizing* the importance of the safety and well-being of all civilians, and calling for the cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction and all firing of rockets,

*Conscious* of the urgent need for the reconstruction and development of the economic and social infrastructure of the Occupied Palestinian Territory, including East Jerusalem, as well as the urgent need to address the dire humanitarian crisis facing the Palestinian people,

*Commending* the important work being done by the United Nations, the specialized agencies and the donor community in support of the economic and social development of the Palestinian people, as well as the assistance being provided in the humanitarian field,

*Recognizing* the efforts being undertaken by the Palestinian Authority, with international support, to rebuild, reform

and strengthen its damaged institutions and promote good governance, and emphasizing the need to preserve the Palestinian institutions and infrastructure and to ameliorate economic and social conditions,

*Stressing* the importance of national unity among the Palestinian people and emphasizing the need for the respect and preservation of the territorial integrity and unity of the Occupied Palestinian Territory, including East Jerusalem,

*Calling* on both parties to fulfil their obligations under the road map in cooperation with the Quartet,

1. *Calls for* the lifting of all mobility restrictions imposed on the Palestinian people, including those arising from ongoing Israeli military operations and the multilayered closures system, and for other urgent measures to be taken to alleviate the desperate humanitarian situation in the Occupied Palestinian Territory, especially in the Gaza Strip;

2. *Stresses* the need to preserve the national unity and the territorial integrity of the Occupied Palestinian Territory, including East Jerusalem, and to guarantee the freedom of movement of persons and goods throughout the Occupied Palestinian Territory, including East Jerusalem, as well as to and from the outside world;

3. *Demands* that Israel comply with the Protocol on Economic Relations between the Government of Israel and the Palestine Liberation Organization signed in Paris on 29 April 1994;

4. *Calls upon* Israel to restore and replace civilian properties, vital infrastructure, agricultural lands and governmental institutions that have been damaged or destroyed as a result of its military operations in the Occupied Palestinian Territory;

5. *Reiterates the call* for the full implementation of the Agreement on Movement and Access of 15 November 2005, particularly the urgent and uninterrupted reopening of all crossings into the Gaza Strip, including Rafah and Karni crossings, which is crucial to ensuring the passage of foodstuffs, and essential supplies, including construction materials and adequate fuel supplies, as well as to ensuring the unhindered access of the United Nations and related agencies to and within the Occupied Palestinian Territory;

6. *Calls upon* all parties to respect the rules of international humanitarian law, and to refrain from violence against the civilian population in accordance with the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

7. *Reaffirms* the inalienable right of the Palestinian people and the Arab population of the occupied Syrian Golan to all their natural and economic resources, and calls upon Israel, the occupying Power, not to exploit, endanger or cause loss or depletion of these resources;

8. *Calls upon* Israel, the occupying Power, to cease its destruction of homes and properties, economic institutions and agricultural lands and orchards in the Occupied Palestinian Territory, including East Jerusalem, as well as in the occupied Syrian Golan;

9. *Also calls upon* Israel, the occupying Power, to end immediately its exploitation of natural resources, including water and mining resources, and 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, the water and land resources, and present a serious environmental hazard and health threat to the civilian populations, and also calls upon Israel, the occupying Power, to remove all obstacles that obstruct implementation of critical environmental projects, including the sewage treatment plants in the Gaza Strip;

10. *Reaffirms* that the construction and expansion of Israeli settlements and related infrastructure in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, are illegal and constitute a major obstacle to economic and social development, and calls for the full cessation of all settlement and settlement-related activity, including all measures aimed at advancing the illegal settlement campaign, in compliance with relevant Security Council resolutions and international law, including the Fourth Geneva Convention;

11. *Also reaffirms* that Israel's ongoing construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, is contrary to international law and is isolating East Jerusalem, fragmenting the West Bank and seriously debilitating the economic and social development of the Palestinian people, and calls in this regard for full compliance with the legal obligations mentioned in the 9 July 2004 advisory opinion of the International Court of Justice and in General Assembly resolution ES-10/15;

12. *Calls upon* Israel to comply with the provisions of the Fourth Geneva Convention on the Protection of Civilians in Times of War, dated 12 August 1949, and to facilitate visits of the Syrian citizens of the occupied Syrian Golan whose family members reside in their mother homeland, the Syrian Arab Republic, via the Qunaitra entrance;

13. *Emphasizes* the importance of the work of United Nations organizations and agencies and 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;

14. *Reiterates* the importance of the revival of the peace process on the basis of Security Council resolutions 242 (1967), 338 (1973), 425 (1978), 1397 (2002), 1515 (2003), 1544 (2004) and 1850 (2008), and the Madrid Conference, the principle of land for peace, and the Arab Peace Initiative, as well as compliance with the agreements

reached between the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, in order to pave the way for the establishment of the independent Palestinian State and the achievement of a just, lasting and comprehensive peace settlement;

15. *Requests* the Secretary-General to submit to the General Assembly at its sixty-fourth session, through the Economic and Social Council, a report on the implementation of the present resolution and to continue to include in the report of the United Nations Special Coordinator an update on the living conditions of the Palestinian people, in collaboration with relevant United Nations agencies;

16. *Decides* to include the item entitled “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 the Arab population in the occupied Syrian Golan” in the agenda of its substantive session of 2010.