



DIVISION FOR PALESTINIAN RIGHTS

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I. SECRETARY-GENERAL EXPRESSES DEEP CONCERN OVER ISRAEL'S SETTLEMENT DECISION

The following statement was issued on 9 September 2009 by the Spokesperson for Secretary-General Ban Ki-moon (Press release SG/SM/12444).

The Secretary-General has noted with deep concern the recent decision of the Government of Israel to approve further construction in settlements in the Occupied Palestinian Territory. Such actions and all settlement activity are contrary to international law and the road map. The Secretary-General urges Israel to respond

positively to the important efforts under way to create the conditions for effective Israeli-Palestinian negotiations, and reiterates his call on Israel to stop all settlement activity, including natural growth, and dismantle all outposts erected since March 2001 in the Occupied Palestinian Territory.

II. SPECIAL COMMITTEE REPORTS ON ISRAELI PRACTICES IN THE OCCUPIED TERRITORIES

On 9 September 2009, the Secretary-General transmitted to the General Assembly the forty-first report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to General Assembly resolution 63/95. The conclusions and recommendations of the report, as contained in document A/64/339, are reproduced below.

...

A. Conclusions

97. The Special Committee has once again tried to comply with its mandate by collecting testimonies from relevant Palestinian, Israeli and Syrian witnesses, United Nations agencies and experts, and government officials. It has also collected and reviewed numerous relevant documents and maps, including many reports by the High Commissioner for Human Rights and the United Nations Secretary-General to the General Assembly and the Human Rights

Council, weekly and other regular reports issued by the Office for the Coordination of Humanitarian Affairs in the occupied territories, experts' reports by the International Labour Organization, United Nations Children's Fund, Amnesty International, Human Rights Watch and many others. While these reports, and many excellent reports by Palestinian and Israeli national organizations, were of immense assistance in the research of the Committee, it is, nonetheless, essential that the Committee be given full and unimpeded access to the occupied territories in order to be able to provide a thorough and balanced account of the human rights situation in the occupied territories.

98. In this report, the Special Committee outlined some of its key findings pertaining to the civil, political, economic and cultural rights of the Palestinians and other Arabs under the Israeli occupation, as well as the obligations of Israel in its capacity as occupying Power. The Committee notes that Israel continues to engage in practices and policies that are discriminatory against the Palestinian and Arab populations, and that such conduct contravenes Israel's obligations under international human rights and humanitarian laws.

99. The Special Committee is extremely concerned that, in the absence of viable peace plans, the current situation will lead to increased hardship for the Palestinian people brought about by the ongoing construction of the wall, increased movement controls, isolation, and the application of the arbitrary policy in granting residence permits and entry visas, as well as the continuing siege of Gaza. The Committee considers Israeli actions as "collective punishment" and notes that such action is prohibited. The Committee is further of the view that it is in the interest of all parties to the conflict, including Israel, to ensure that their conduct promotes and respects all human rights and the rule of law and does not create conditions that encourage more violence and aggression. The Committee also calls on Israel to comply with the resolutions of the General Assembly and the Human Rights Council, in addition to the advisory opinion on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, rendered by the International Court of Justice in July 2004.

100. The Special Committee is similarly concerned that the present situation in the Gaza Strip has reached the level of a

humanitarian catastrophe, particularly in terms of the inadequate availability of medicine and medical treatment and construction and building materials. It is imperative that Israel immediately open the borders to all humanitarian assistance and immediately cease its policy of "collective punishment" of the entire population of Gaza, which has impacted adversely the more vulnerable and those with special needs, such as children, expectant mothers, the elderly and the sick.

101. Finally, the Special Committee reiterates that Israel's policy of annexation of parts of the West Bank, including East Jerusalem, and of the Syrian Golan are in contravention of its obligations as the occupying Power under the Hague Convention concerning the Laws and Customs of War on Land and its annexed Regulations respecting the Laws and Customs of War on Land (Hague Regulations) of 18 October 1907; the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949; article 75 of the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflict (Protocol I), and rules of customary international law. Israel and the international community, as Member States of the United Nations and as States parties to core international human rights treaties, have an obligation to ensure the realization of the human rights of the Palestinian people, including the population of Gaza, not as a matter of humanitarian charity, but as a matter of Palestinian rights and corresponding obligations by all concerned.

B. Recommendations

102. The Special Committee wishes to make the following recommendations:

(a) The General Assembly should:

(i) Consider all means at its disposal to enable the Special Committee to fulfil its responsibilities under the mandate set out in resolution 2443 (XXIII) and all subsequent resolutions, including the access to the territories occupied by Israel since 1967;

(ii) Urge the Security Council to ensure the implementation of the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15, in which the Assembly requested Israel to comply with its legal obligation to cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem; to dismantle the segments of the wall already built; to repeal all legislative and regulatory acts adopted in view of the construction of the wall; and to make reparation for the damage arising from the construction of the wall;

(iii) Urge the Security Council and Member States to enforce Security Council resolution 497 (1981) and similar relevant resolutions on the status of the occupied territories, including the occupied Syrian Golan, that declared the annexation of the occupied territories illegal;

(iv) Urge the Member States of the United Nations to implement the recommendations of the Special Committee, and intensify diplomatic efforts, including the imposition of appropriate sanctions to enforce Israel's compliance with relevant

United Nations resolutions, particularly Security Council resolutions, and international humanitarian and human rights law;

(v) Call for heightened and concerted international efforts to ensure the unimpeded flow of humanitarian assistance, particularly food, medicines, and construction materials to the besieged population of Gaza;

(vi) Request the High Contracting Parties to the Fourth Geneva Convention to take concrete measures in respect of their obligations to ensure respect for the Convention by Israel. A meeting of the High Contracting Parties to that effect should be convened urgently;

(b) The Government of Israel should:

(i) Recognize the de jure and de facto applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory and the occupied Syrian Golan and distinguish in all circumstances between military objectives and civilian persons and objects;

(ii) Ensure respect for international law and the principle of appropriate use of means and methods of warfare, and cease its policies of excessive use of force and extrajudicial killings of Palestinians, as well as the destruction of land, civilian and public property, houses and infrastructure;

(iii) Stop its policies of confiscating Palestinian land and of expanding Jewish settlements in the Occupied Palestinian Territory, which are contrary to international law and which threaten the contiguity of

Palestinian lands, and ensure that Israeli forces protect Palestinian civilians and their property against violence by Israeli settlers, by carrying out prompt and thorough investigations and bringing to justice those deemed responsible;

(iv) Restore freedom of movement for Palestinians throughout the Occupied Palestinian Territory by lifting closures, checkpoints, roadblocks and other obstacles to movement, and stop building roads accessible only to Israeli settlers and preventing access by Palestinians, in particular women and children, to their fields, schools, places of work, hospitals and other health-care facilities, as well as the passage of ambulances;

(v) End the closure and collective punishment of the people of Gaza, and take urgent steps to end the current man-made crisis and the suffering of the people of Gaza and deprivation of all their rights;

(vi) Cease construction of the wall in the Occupied Palestinian Territory, which hampers the achievement of a just and sustainable peace between Israel and the future Palestinian State, and comply fully with the provisions of the advisory opinion of the International Court of Justice and all provisions of General Assembly resolution ES-10/15;

(vii) Guarantee to those arrested a fair trial and detention conditions in accordance with the International Covenant on Civil and Political Rights, with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and with the Fourth Geneva Convention;

(viii) Urgently comply with resolution 497 (1981), which annuls the Israeli decision on the annexation of the occupied Syrian Golan, implement its obligations set forth in the road map and withdraw its military presence in the Occupied Palestinian Territory and its occupation of the Syrian Golan;

(ix) Implement the concluding observations and recommendations of United Nations treaty bodies and special procedures mechanisms, and implement the recommendations of the High Commissioner for Human Rights to the Human Rights Council;

(x) Establish an independent and transparent system of accountability that ensures prompt and impartial investigations, that perpetrators are brought to justice and that victims enjoy the right to an effective remedy;

(c) The Palestinian Authority should:

(i) Abide by the relevant provisions of human rights law and international humanitarian law;

(ii) Aim to resolve the urgent human rights and humanitarian crisis currently facing the Occupied Palestinian Territory, and to fully restore the rule of law in areas under its control.

103. The Special Committee urges concerned civil society groups and diplomatic, academic and research institutions to use their goodwill and influence to make widely known, by all available means, the current human rights

and humanitarian situation in the occupied territories, including in the occupied Syrian Golan. The Special Committee commends and encourages the efforts of Israeli non-governmental organizations made on behalf of Palestinian human rights, and considers that the work of these organizations should receive greater recognition from Israeli civil society and relevant Israeli institutions.

104. All Governments concerned are urged to comply fully with article 1 of the Fourth Geneva Convention and with the international obligations outlined in the advisory opinion of the International Court of Justice of July 2004 and General Assembly resolution ES-10/15.

III. GENERAL ASSEMBLY PRESIDENT CLOSES SIXTY-THIRD SESSION

On 14 September 2009, at its 105th plenary meeting, President of the General Assembly Miguel d'Escoto Brockmann concluded the sixty-third regular session of the Assembly. Following are excerpts from his concluding remarks (A/63/PV.105).

...

My greatest frustration this year has been the situation in Palestine. The question of Palestine continues to be the most serious and prolonged unresolved political and human rights issue on the agenda of the United Nations since its inception. The evident lack of commitment to resolving it is a scandal that has caused me much sorrow.

I promised a proactive presidency, and sincerely believe that I have done everything I possibly could in this regard, explicitly requesting and attempting to persuade those who should have been most closely involved to call for the convocation of the General Assembly to consider the Palestinian situation. However, whether at the time of the three-week invasion of Gaza that began on 27 December or now, all I have received has been advice to give the process more time because things were

always on the verge of being resolved and we should do nothing that could endanger the success that has always been just beyond our reach.

Faced with this situation, I sincerely did not know what to do. I have wanted to help Palestine, but those who should supposedly have been most interested have withheld their support for reasons of caution that I have been incapable of understanding. I hope that they have been right and that I have been wrong. Otherwise, we shall continue to face the ugly situation of ongoing complicity with the aggression against the rights of the noble and long-suffering Palestinian people.

A just resolution of the question of Palestine must be based on the provisions of international law and will be attained only when the unity of the Palestinian people has been achieved and the international community speaks with all

its representatives who enjoy credibility and have been democratically elected. In addition to Israeli withdrawal from all territories illegally occupied since 1967, international law demands that all Palestinians displaced during the creation of the State of Israel, their children and grandchildren be permitted to return to their homeland, Palestine.

I sent my chief adviser on humanitarian affairs, Mr. Kevin Cahill, to Gaza from 17 to 22 February to prepare a report on the humanitarian situation in Gaza immediately after the aggression. Mr. Cahill's report, originally intended for release at a special session on Gaza that did not take place for the reasons I have noted, was issued on Wednesday, 19 August, World Humanitarian Day, when

the sacrifices of United Nations staff in conflict zones are commemorated.

I find disgraceful the passivity and apparent indifference of some very influential members of the Security Council to the fact that the blockade of Gaza has continued uninterrupted for two years in flagrant violation of international law and of a resolution of the Security Council, causing immense damage and suffering to the Palestinian population of Gaza. The situation may become even more serious if immediate measures are not taken, now that winter is approaching. It is time to demonstrate, with actions and not only words, a true commitment to the concept of the responsibility to protect.

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

The above-mentioned report (A/64/351-S/2009/464) was issued by the Secretary-General on 15 September 2009, in accordance with General Assembly resolution 63/29, and covered the period from September 2008 through August 2009. The observations of the Secretary-General on the current state of the Israeli-Palestinian conflict and on international efforts to move the peace process forward are reproduced below.

...

II. Observations

5. During the reporting period, diplomatic developments and events on the ground underscored the importance of a peaceful settlement of the question of Palestine. The past year witnessed the discontinuation of Israeli-Palestinian negotiations undertaken within the framework of the Annapolis process, a destructive conflict in Gaza and southern Israel, a deepening internal divide

despite efforts towards Palestinian unity and the formation of a new Israeli Government following Knesset elections. In recent months, there have been renewed efforts by the international community to achieve the vision of two states living side by side in peace and security.

6. On 4 November 2008, Israel conducted a military incursion into Gaza for the purpose of destroying a tunnel allegedly used for abducting Israeli soldiers. After several months of relative calm, between 4 and

30 November, 138 rockets and 153 mortars were subsequently fired by Palestinian militants into Israel. I strongly condemned these rocket attacks by Palestinian militants as totally unacceptable and called upon all parties to fully respect the *tahdiya*, or calm, which had been brokered by Egypt between Israel and Hamas in June 2008.

7. Rocket fire from Gaza into southern Israel and Israeli air strikes accelerated throughout December. On 27 December 2008, the violence sharply escalated with the commencement of Israeli military Operation Cast Lead, which included the launch of massive, coordinated strikes by the Israeli air force in Gaza. Notwithstanding the Security Council's press statement on 28 December calling for both sides to halt all acts of violence, in the following days Israel heavily bombed a large number of Gaza's military and civilian installations, while Hamas launched rockets into southern Israel almost continuously. Throughout this period, I engaged in bilateral contacts with leaders from the region to urge a return to the calm and to avoid further escalation and bloodshed.

8. On 31 December, I briefed the Security Council, deploring the fact that the civilian population of Gaza was trapped between the irresponsibility displayed in the indiscriminate rocket attacks by Hamas militants and the disproportionality of the continuing Israeli military operation. I also emphasized that life in southern Israel had become extremely difficult, with Israelis living in constant fear of rocket strikes. I called on all parties to fully respect international humanitarian and human rights law.

9. The conflict further escalated on 3 January 2009, when the Israel Defense

Forces launched a major ground offensive into Gaza. The following weeks were marked by intense fighting, high numbers of civilian casualties and extensive damage to the civilian infrastructure in Gaza.

10. On 8 January 2009, the Security Council adopted resolution 1860 (2009), in which it called for a complete halt to the violence, an immediate and durable ceasefire, the unimpeded provision of humanitarian assistance, the sustained reopening of the crossing points and efforts to curb the illicit trafficking of weapons into Gaza.

11. Following the adoption of resolution 1860 (2009), I undertook an extended eight-country mission to the region to deliver the message that the fighting must stop and the resolution must be fully respected and implemented. I met with the leaders of Egypt, Jordan, Israel, the Palestinian Authority, Turkey, Lebanon, and the Syrian Arab Republic and, in the immediate aftermath of the end of major hostilities, I visited Gaza City and southern Israel. Throughout this mission, I sought to maximize coordination of the diplomatic efforts to end the crisis and to make clear the expectations of the United Nations as embodied in resolution 1860 (2009).

12. Major military operations ended on 18 January with the declaration of unilateral ceasefires by the Israeli cabinet and Hamas. Since January 2009, violence in Gaza has decreased significantly; however, sporadic firing from both sides has continued, underscoring the overall fragility of the situation. I believe it to be of the utmost importance that these unilateral ceasefires are translated into lasting arrangements based on the framework of resolution 1860 (2009).

13. The three-week conflict in Gaza resulted in extensive suffering and hardship. While figures from different sources vary, an estimated 1,300 Palestinians lost their lives and 5,300 were injured in the conflict, and on the Israeli side, 14 Israelis were killed and more than 530 were injured. A large proportion of the casualties, particularly on the Palestinian side, were civilians. I deeply regret the loss of civilian life during the conflict.

14. The intensity and destruction of the conflict substantially exacerbated the existent humanitarian crisis in Gaza, with deterioration in food security, physical and mental health, and access to basic services and economic livelihoods all being observed. During the conflict, practical arrangements were put in place between United Nations humanitarian agencies and Israel for the delivery of some relief supplies to the beleaguered civilian population. Following the end of the hostilities, United Nations agencies estimated that 3,700 houses and two health-care centres had been destroyed, and that 48,700 homes, 15 hospitals, 41 health-care centres and 273 schools had sustained varying degrees of damage.

15. On 2 March 2009, I attended the conference for the reconstruction of Gaza, in Sharm el-Sheikh, where the Palestinian Authority presented the Palestinian Early Recovery and Reconstruction Plan. The conference yielded pledges worth \$4.5 billion. At the time of writing, only a small percentage of these funds have materialized, at least in part due to donor concerns about the ability to get the necessary reconstruction materials into Gaza.

16. The numbers of truckloads of goods entering Gaza have increased since the

period immediately preceding and during Operation Cast Lead. However, the import of goods still remains less than one fifth of that which occurred as part of normal commerce and trade prior to the imposition of the comprehensive closure regime in May 2007. Today, the overwhelming majority of imports into Gaza are limited to food and sanitation items, with still little or no entry for all other goods, including items for early recovery and reconstruction.

17. Some seven months after the conflict, this situation is unacceptable. Consistent with resolution 1860 (2009), the November 2005 Agreement on Movement and Access, and public statements made by the Quartet, I have repeatedly called for a sustained reopening of all crossing points in Gaza and for mechanisms to be put in place to prevent the illicit trafficking of arms into Gaza.

18. In addition, the United Nations has presented the Government of Israel with a proposal to begin a \$77 million first instalment of early recovery and reconstruction by working to complete previously suspended United Nations projects to build housing, schools and clinics across Gaza. In implementing these projects, United Nations agencies will utilize their own monitoring, verification and quality assurance processes in order to ensure integrity of programming. I hope to receive a positive response to this reasonable proposal.

19. From the outset of the conflict in Gaza, I called on all combatants to respect the sanctity of United Nations premises. However, during the course of the conflict a number of incidents occurred in which United Nations personnel, premises or operations were affected. In response, I established an internal Board of Inquiry to

review and investigate nine of these incidents.

20. On 4 May 2009, I released a summary of the Board's report. The Board found that in seven incidents, the death, injuries and damages were caused by military actions of the Israel Defense Forces, using munitions launched from the air or fired from the ground. In one incident, the report concluded that damage to a World Food Programme facility was caused by a Palestinian faction, most likely Hamas, and in another incident, the Board was unable to reach any conclusions. The Board also made a number of recommendations, including with respect to pursuing claims for damages incurred by the United Nations and further improving coordination mechanisms between the United Nations and the Government of Israel in order to help to ensure the safety and security of United Nations personnel and premises. I am actively pursuing these recommendations.

21. I have fully supported the United Nations Fact-Finding Mission on the Gaza Conflict, led by Justice Richard Goldstone, pursuant to Human Rights Council resolution S-9/1 (2009), and its broad investigation into all alleged human rights and international humanitarian law violations that took place before, during and after the military operations in Gaza between 27 December 2008 and 18 January 2009. I look forward to the report of the Fact-Finding Mission.

22. I also support continuing mediation efforts to secure the release of Israeli Corporal Gilad Shalit in exchange for some of the 11,000 Palestinian prisoners held in Israeli jails. I regret that three years after his

capture, neither the International Committee of the Red Cross nor any other international body has been granted access to Corporal Shalit.

23. During the reporting period, Egypt convened six rounds of reconciliation talks between Fatah, Hamas and other Palestinian groups. Regrettably the talks have only yielded limited progress. I continue to fully support the efforts of Egypt on this vital issue and to urge the factions to quickly conclude an agreement to reunite within the framework of the legitimate Palestinian Authority, as called for in resolution 1860 (2009) and by the Quartet and League of Arab States. The United Nations is ready to engage a government under the authority of President Abbas that unites Gaza and the West Bank within such a framework.

24. A key achievement during the reporting period has been the beginning of Palestinian self-empowerment, which has taken place in the West Bank under the leadership of President Abbas and Prime Minister Fayyad and has included important reforms in fiscal management, development planning and the security sector. This positive momentum must not be imperilled by the financial crisis facing the Palestinian Authority. When the Ad Hoc Liaison Committee met in Oslo on 8 June 2009, Prime Minister Fayyad reported that the Palestinian Authority faces a critical budget crisis and still has great difficulty paying monthly salaries, which has a severe impact on its planning processes and undermines its reform agenda.

25. In July 2009, the International Monetary Fund reported that in 2009 the recurrent budget deficit for the Authority was approximately \$1.6 billion and that

\$900 million in external financing was required for the remainder of the year. I very much welcome the recent transfers of funds by major donors to support the Palestinian Authority and I appeal to other donors to urgently fulfil pledges of budget support.

26. The Israeli system of creating physical obstacles to movement in the West Bank and imposing elaborate permit requirements on Palestinians has continued to be entrenched during the reporting period, including for movement in and around East Jerusalem. However, I welcome recent measures by the Israeli Government to ease movement restrictions around Nablus, Jericho, Qalqiliya and Ramallah. The positive steps taken by Israel, if sustained and expanded, would have a significant impact on Palestinian freedom of movement and economic development. As at August 2009, 613 obstacles to movement remained in the West Bank, 68 of which were permanently staffed checkpoints. According to the International Monetary Fund, if Israel continues easing restrictions, real growth in the gross domestic product in the West Bank could stand at 7 per cent in 2009. This would represent the first significant improvement in living standards in the West Bank since 2006.

27. I appreciate the work of Quartet Representative Tony Blair in his efforts to support continued economic development in the Occupied Palestinian Territory and encourage the parties to work with him to bring about transformative change on the ground.

28. During the reporting period, the Palestinian Authority continued to make real strides in the implementation of its security plan with considerable international assistance, in particular from the United

States of America. I urge the Palestinian Authority to continue to make every effort to improve law and order and to fight violent extremism in accordance with its road map obligations. In line with the increasing capabilities of the Palestinian security forces, I also encourage Israel to further ease movement restrictions, as well as to reduce search and arrest operations in the West Bank.

29. In Gaza, Hamas has extended its de facto control over institutions and society. Actions taken to impose internal order, including the violent confrontation with the radical group Jund Ansar Allah on 14 August 2009, have taken place outside a legitimate legal framework. There is little accountability of the de facto authority towards the population regarding such actions. In recent months, despite sporadic incidents, Hamas has largely enforced a state of calm vis-à-vis Israel and it is vital that this is built upon. The only sustainable future for Gaza is for the Strip to be reunited with the West Bank within the framework of Palestinian, regional and international legitimacy. Hamas has key responsibilities in this regard which have not yet been met, and I continue to call on the Hamas leadership to respond positively to the urgings of the international community.

30. The reporting period has also been one of political transition in Israel. A Likud-led coalition Government headed by Prime Minister Netanyahu was sworn into office on 31 March 2009, following Israeli elections held on 11 February. I welcomed the formation of the new Israeli Government and stated my expectation that it would adhere to Israel's previous commitments regarding the peace process.

31. On 14 June 2009, Prime Minister Netanyahu delivered a speech in which he stated that the Israeli Government would accept a Palestinian State, but under several significant conditions related to final status issues. It is, however, actions on the ground, together with a genuine readiness to negotiate on all core issues based on existing commitments, that will be the true test of Israel's commitment to the two-State solution.

32. In this respect, I am concerned by the failure of the new Israeli Government to commit to its obligation under the road map to freeze all settlement construction, including natural growth, as well as to dismantle outposts erected since March 2001. I note that the Israeli organization Peace Now reported that in the first half of 2009, the building of 596 new structures had begun in West Bank settlements, outposts and industrial areas and that there had not been any evacuations of "real" outposts.

33. Israeli actions in support of settlers in the heart of East Jerusalem are a matter of particular concern. Most recently, on 2 August 2009, Israeli security forces forcibly evicted nine Palestinian families, amounting to 53 people, from their homes in the Sheikh Jarrah neighbourhood of East Jerusalem. Under the protection of Israeli security forces, the property was handed over to a settlement organization. I repeat here the Quartet's position that such unilateral actions cannot prejudice the outcome of negotiations and will not be recognized by the international community.

34. On 29 October 2008, following a five-month suspension of demolitions obtained by Quartet Representative Tony Blair, the Israeli authorities resumed the demolition of

houses lacking building permits in East Jerusalem and Area C of the West Bank. I reiterate my call on Israel to adhere to international law and its road map obligations, and to cease and reverse provocative actions such as demolitions and evictions.

35. Contrary to the 9 July 2004 advisory opinion of the International Court of Justice, the barrier deviates significantly from the 1967 Green Line into Occupied Palestinian Territory in the West Bank. It continues to restrict Palestinian access to East Jerusalem, key social services and agricultural land. In accordance with the provisions of General Assembly resolution ES-10/17 of 15 December 2006, on 9 April 2009 I provided a progress report on the work of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory. At the time of writing, the Register of Damage had collected over 1,100 claim forms in the West Bank and had approved 268 claims for inclusion in the Register.

36. Violence between Israelis and Palestinians, as well as among Palestinians, continued. Excluding casualties during Operation Cast Lead, between 1 September 2007 and 17 August 2009, 5 Israelis were killed and 125 injured, while 89 Palestinians were killed and 1,212 injured in conflict-related incidents. A total of 80 Palestinians were killed and 200 wounded in internal violence. I once again unequivocally condemn all acts of violence and hostilities directed against civilians and remind all parties of their obligations under international law.

37. Moving now to international diplomatic activity in support of the peace

process, the latter half of 2008 witnessed regular bilateral negotiations between Israeli and Palestinian negotiating teams within the framework of the Annapolis process. On 9 November 2008, President Abbas and the then Minister for Foreign Affairs Livni briefed the Quartet on their progress, which they described as substantial and promising. While noting that a comprehensive agreement would not be reached by the Annapolis target of the end of 2008, the parties committed themselves to continuous, uninterrupted negotiations on all core issues. On 16 December 2008, the Security Council passed resolution 1850 (2008) reaffirming the basic principles upon which Israeli-Palestinian peace must rest as well as the irreversibility of bilateral negotiations undertaken through the Annapolis process.

38. Talks were initially suspended during the Israeli electoral period and were then discontinued owing to Operation Cast Lead, and no negotiations on core issues have taken place in 2009. However, an important new impetus to peace efforts was given by the early and welcome initiative of United States President Obama to vigorously pursue the creation of a Palestinian State as part of a comprehensive regional peace strategy. I also welcomed President Obama's appointment of Senator George Mitchell as United States Special Envoy for the Middle East. President Obama's speech in Cairo on 4 June 2009 challenged Israelis and Palestinians alike and demonstrated the importance which the United States Administration places on a peaceful settlement to the Israeli-Palestinian conflict.

39. On 26 June 2009, the Quartet met in Trieste and affirmed its determination to work with the parties to create the conditions necessary for the prompt

resumption and early conclusion of negotiations on the end goal of a two-State solution. There was strong agreement among Quartet members that both Israelis and Palestinians should implement their obligations under the road map, and they urged the Government of Israel to freeze all settlement activity, including natural growth, and called upon the Palestinian Authority to continue to improve law and order and to fight violent extremism.

40. During the reporting period, the Quartet also continued its valuable practice of consulting with the League of Arab States. I welcome the renewed commitment of the Arab League to pursue a just and comprehensive regional peace in accordance with the Arab Peace Initiative, as expressed most recently in its ministerial communiqué of 24 June 2009. I continue to believe strongly in the potential for activating the regional tracks of the peace process, alongside a rejuvenated Palestinian track, on the basis of land for peace. I also support the convening of an international conference in Moscow to support this effort.

41. I want to record my deep appreciation to Robert H. Serry, the United Nations Special Coordinator for the Middle East Peace Process as well as to the Commissioner-General of UNRWA, Karen Koning AbuZayd, and all United Nations staff who continue to provide indispensable service in the Occupied Palestinian Territory under difficult and sometimes dangerous circumstances. Palestinian and international United Nations staff members have faced growing restrictions as concerns their free movement and access in the service of the United Nations. I have repeatedly protested these restrictions to the Government of Israel and look forward to improvements in this regard.

42. I am particularly indebted to the Director of UNRWA Operations in Gaza and his staff for bravely continuing their work throughout Operation Cast Lead. I want to pay special tribute to the UNRWA staff member killed and the 11 others injured while serving the Palestinian people during the Gaza conflict.

43. I call on the parties to honour all existing agreements and previous commitments and pursue an irreversible effort towards the two-State solution, including by fully implementing their obligations on the ground and by resuming, vigorously pursuing, and concluding negotiations to resolve all core issues of the Israeli-Palestinian conflict, including Jerusalem, borders and refugees. A true end to violence and lasting security for both Palestinians and Israelis will only come through a just, comprehensive and peaceful settlement to the Arab-Israeli conflict. After the failure of efforts in 2008 to secure an

agreement and the difficulties encountered in 2009 in securing a resumption of negotiations, it is vital that meaningful progress is now made towards the goal of a negotiated agreement, that the parties live up to their responsibilities in this regard, and that there is coordinated and effective international engagement in support of these efforts.

44. The United Nations will continue to work towards the peaceful settlement of the question of Palestine. The framework for peace remains unchanged: the establishment of two States, an independent and viable Palestine living side by side in peace and security with Israel, on the basis of the principle of land for peace and a just and comprehensive regional peace consistent with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), the road map and the Arab Peace Initiative.

V. SECURITY COUNCIL BRIEFED ON MIDEAST SITUATION, INCLUDING THE PALESTINIAN QUESTION

On 17 September 2009, 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, on "The situation in the Middle East, including the Palestinian question", which is excerpted below. For the verbatim record of the meeting, see S/PV.6190.

...

Before I brief the Council on developments in the Middle East over the past month, allow me to share a personal experience.

Last week, I attended the Palestine-Jordan soccer match in Hebron, in the company of the Palestinian Prime Minister, the Governor of Hebron and the Mayor of

the city. Despite all the problems of the unresolved conflict and occupation, which are on painful display in parts of Hebron, so much of what I witnessed there that evening filled me with hope. The Palestinian security forces provided exemplary public security. The Palestinian flag flew proudly. The Palestinian people, in their thousands, cheered the home side to an honourable draw with their neighbour, Jordan, whose very presence was symbolically powerful.

Today we have a Palestinian Authority (PA) that is more than a partner for peace. We have a player ready to meet its responsibilities, determined to insist on its rights and desperately in need of support and enablement - from Israel, from the region and from the world. The Palestinian Government is resolved to complete preparations for statehood in less than two years. I am convinced that they can do it, if indeed they have not already. In a few short years from now, any one of our national teams could play soccer against Palestine, not in area A of the Palestinian Authority but in a contiguous State of Palestine that is a full and sovereign State Member of the United Nations living side by side with the State of Israel in peace.

We all know that there are obstacles to this goal, and they can at times seem overwhelming. But it can be achieved, and it simply must be. The failure to do so, I believe, would deepen the conflict to a point from which it will be very difficult to recover, with profound and lasting consequences.

That is why the current moment is so important, and why all parties must cease finding excuses and rise to their responsibilities. United States Special Envoy George Mitchell is in the region as part of continuing efforts towards the early resumption and conclusion of Israeli-Palestinian negotiations. Those efforts are at a critical stage and have our strong support.

We take this opportunity to remind the Council of the commitments made to the Quartet by the Government of Israel and the Palestine Liberation Organization (PLO) in November 2008, which formed the basis of Security Council resolution 1850 (2008).

We believe that any resumed negotiations should build on that work, that robust third-party support will be helpful to the parties and that the end goal of a two-State solution based on the 1967 lines and the resolution of all core issues can, and must, emerge quickly and meaningfully.

But for negotiations to be enabled, it is critical that the parties commit to, and implement, their road map obligations. In that regard, continued Israeli settlement activity remains a source of deep concern. In addition to ongoing construction, on 7 September, Israeli Defence Minister Barak authorized the construction of a further 455 housing units in several settlements in the West Bank, including around Jerusalem and in the Jordan Valley. Moreover, on 8 September, the Israel Lands Administration accepted bids for the construction of 486 apartments in the settlement of Pisgat Ze'ev, in East Jerusalem.

The Secretary-General issued a statement on 9 September stressing the illegality of settlement activity and calling on Israel to implement its obligations under the road map to freeze all settlement activity, including natural growth, and to dismantle outposts erected since March 2001, as called for by the Quartet. We also reiterate the Quartet's call for the cessation of provocative actions in Jerusalem, including demolitions and evictions.

Members of the Council will recall the Quartet's support for dialogue among all States in the region in the spirit of the Arab Peace Initiative. We hope that countries in the region stand ready to take positive steps towards Israel if indeed negotiations resume based on the implementation of road map obligations. We also strongly re-emphasize

the importance of fostering peaceful coexistence throughout the region through the conclusion of peace agreements between Israel and Syria and Israel and Lebanon on the basis of Security Council resolutions, in a manner that is mutually reinforcing of efforts to establish the State of Palestine. In addition, we would urge intensified support to the Palestinian Authority as a point of common regional action.

As I indicated in my introduction, on 25 August the Palestinian Authority announced its agenda to complete, within the coming two years, the building of institutions of a State apparatus in order to form the basis for the creation of an internationally recognized Palestinian State. That agenda of self-empowerment, which is reflected in concrete security and economic improvements on the ground and more ambitious plans for the period ahead, will be a powerful complement to a renewed political process. It must be enabled and supported. The Ad Hoc Liaison Committee meeting to be held here in New York on 22 September will be an opportunity for renewed commitment in that regard.

During the reporting period, the Palestinian Authority continued to ensure law and order in West Bank cities and towns. The trend of reduced Israeli military operations evident since June 2009 continued. However, between 20 August and 15 September, 50 Palestinians were injured and three were killed in actions by the Israel Defense Forces (IDF) in the West Bank, among them a 15 year-old boy. The Office for the Coordination of Humanitarian Affairs (OCHA) recorded 35 settler attacks on Palestinians, some of which occurred in the context of the so-called price-tag policy,

whereby settlers attack Palestinian communities to resist any attempts to remove settlement outposts.

Overall, OCHA reports that 619 obstacles to movement remain in place in the West Bank, including 69 permanently staffed checkpoints. However, Israeli Government steps to ease closure measures reported in recent briefings have resulted in a qualitative improvement in movement and access. During the reporting period, Israel eased the operation of a checkpoint, which should improve access to the Jordan Valley. Yesterday, Israel announced that it would begin the removal of 100 earth mounds in several West Bank cities. United Nations staff have witnessed actions being taken in that regard, although most of those obstacles are not included in the official United Nations count.

We strongly encourage the Government of Israel to build on those positive steps with more far-reaching measures consistent with its policy of facilitating increased movement and economic activity. In that context, we remain concerned that Israel has not approved the minimum required frequency for the Wataniya mobile telephone operator, which would allow commercial viability. That is essential for the Palestinian economy and for PA revenues.

The Palestinian Authority has continued its reform and fiscal stimulus efforts. The economy grew by 5.4 per cent in the second quarter of 2009 as compared with the same period in 2008. However, shortfalls persist in meeting recurrent budgetary needs. Timely donor support is vital in order to maintain the liquidity of the

Palestinian Authority, to help it avoid borrowing from domestic banks and to enable it to sustain its reform agenda.

There have also been important political steps on the Palestinian side under the leadership of President Abbas. On 26 August, the Palestinian National Council - the PLO's legislative body - met in Ramallah. It was the first such meeting since 1988. Six new members were elected to the PLO Executive Committee.

President Abbas has indicated his intention, in accordance with Palestinian law, to decree that presidential and legislative elections be held in the West Bank and Gaza upon the expiry of the term of the current Palestinian Legislative Council, in January 2010. Hamas has, however, stated that it will not permit the holding of elections in Gaza before an agreement on national unity is reached.

On 10 September, building on seven rounds of dialogue since the early months of this year, Egypt presented a comprehensive proposal to resolve the outstanding issues dividing the Palestinians, based on the holding of elections in the first half of 2010. We reiterate our call for the reunification of Gaza and the West Bank, as called for by the Quartet, and urge all factions to engage positively in internal dialogue under Egyptian auspices.

The situation in Gaza remains unsustainable and not in the interests of anyone concerned. Security Council resolution 1860 (2009) contains the elements of a more strategic approach, but key elements remain unfulfilled. As efforts are made to relaunch a meaningful political process, the situation in Gaza cannot be left to further deteriorate and unravel.

There is an uneasy informal calm, but it is inherently fragile, and violent incidents continue. During the reporting period, two rockets and 11 mortars were fired from Gaza and there were 18 IDF shallow incursions and three air strikes, as well as several incidents in which the IDF opened fire on Palestinian fishermen. Six Palestinians were killed - two of them children - and 16 injured, while one IDF soldier was injured by a mortar. We continue to call for an end to violence and for full respect for international law by all parties.

We note with grave concern that, according to a statement by Hamas leader Khaled Mashal on 10 September, Hamas continues to buy and manufacture weapons and to smuggle them into Gaza. Extreme radical groups are also active in Gaza. Hamas reportedly arrested some 160 supporters of the radical group Jund Ansar Allah in the last days of August, after explosives had been laid near a key Hamas security installation; some have recently been released.

Israeli Corporal Gilad Shalit remains in captivity after almost 39 months. We continue to call for access to be granted to him, as well as for his release. Discussions are continuing with a view to securing his release and that of a number of the nearly 10,000 Palestinians currently in detention in Israel.

Owing to Israel's blockade, no Palestinian exports were permitted during the reporting period and there has been no significant improvement in the inadequate levels of access reported in previous briefings. Food and medical supplies make up the bulk of imports. As stressed in a recent report of the Humanitarian Coordinator, immediate humanitarian needs

include agricultural inputs, water and sanitation equipment, material for shelter repair and educational material. The urgent entry of those items must be facilitated by the Israeli authorities. The longer-term consequences of the blockade are deeply worrying in terms of deteriorating public infrastructure, environmental degradation, the destruction of livelihoods and the incubation of despair and frustration among a population half of which is made up of children.

As the Council is aware, in early June the Secretary-General presented Israel with a proposal for United Nations-led civilian reconstruction activities in Gaza, beginning with suspended projects comprising housing, medical clinics and schools. The proposal is fully supported by the Palestinian Authority and the Quartet. I have had extensive and constructive high-level discussions with the Israeli Government on the proposal. A United Nations working-level negotiating team, comprising the Office of the United Nations Special Coordinator for the Middle East Peace Process, the United Nations Development Programme and the United Nations Relief and Works Agency for Palestine Refugees in the Near East, has had constant and positive dialogue with Israeli officials on the technical details, including United Nations monitoring and verification procedures. The United Nations has left no reasonable stone unturned in this matter.

However, I must inform the Council that we have not received a positive response from Israel. That is deeply regrettable. The Government cites the continued detention of Gilad Shalit as the key obstacle to allowing even limited

civilian reconstruction. I reiterate our appeal to the Government of Israel to allow without delay the entry of material into Gaza in order to make a meaningful start in addressing the massive civilian recovery needs.

More positively, Israel has announced the approval of three United Nations water and sanitation projects, drawn from a list proposed to the previous Israeli Government some 15 months ago by the Secretary-General. As highlighted in a recent report of the United Nations Environment Programme, underground water supplies in Gaza - upon which 1.5 million Palestinians depend for agriculture and drinking water - are in danger of collapse. Some 80 million litres of untreated and partially treated sewage are discharged into the sea daily, with potentially grave public health and environmental consequences for Gaza, southern Israel and Egypt. The approvals given for the three United Nations projects, as well as that given to the World Bank for work on a sewage project in northern Gaza, can be only a beginning. A considerable scaling-up will be required if urgent water and sanitation needs are to be met.

Finally, the report of the Fact-Finding Mission on the Conflict in Gaza, mandated by the Human Rights Council and headed by Justice Richard Goldstone, was released on 15 September. The Mission was tasked to "investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after".

The report will be formally presented to the Human Rights Council on 29 September.

...

I am in close touch with my Quartet colleagues regarding the efforts to create conditions for resumed negotiations and to secure the commitments required under the road map; the important State-building efforts of the Palestinian Authority; the unsustainable situation in Gaza, including the efforts of the United Nations to begin civilian reconstruction; and the broader regional dimensions. There is unity of

purpose on all those issues, as well as a determination to focus all political energies on conflict resolution in the crucial few years ahead. There is an important opportunity to lay the basis for progress as leaders gather for the general debate of the General Assembly next week, and Quartet principals will meet on 24 September. Above all, the parties must take responsibility and seize this opportunity. Now is the time to make the commitments necessary to relaunch negotiations and to see them through to a two-State solution and a just, lasting and comprehensive peace in the region.

VI. AD HOC LIAISON COMMITTEE MEETS IN NEW YORK

Ministers and senior officials of the Ad Hoc Liaison Committee of donors met at United Nations Headquarters on 22 September 2009. The meeting was chaired by Norway's Foreign Minister Jonas Gahr Støre. Following is the text of Secretary-General Ban Ki-moon's opening remarks, as delivered by Under-Secretary-General for Political Affairs B. Lynn Pascoe (Press release SG/SM/12466-PAL/2120).

I am pleased to send a warm welcome to Palestinian Prime Minister [Salam] Fayyad and to all the distinguished representatives attending this meeting of the Ad Hoc Liaison Committee. I thank Foreign Minister [Jonas Gahr] Støre for the key role that Norway continues to play in convening and chairing this forum.

The Palestinian Authority's achievements in security, the economy, financing, reform and planning over the past two years are unprecedented. These efforts have now been given deeper significance and broader ambition by the programme announced on 25 August. I strongly support the Palestinian Authority's plan to complete the building of the state apparatus for Palestine in two years, and pledge the United Nations full assistance.

The significance of this goal should not be lost on any of us. Nor can we underestimate the urgency of the moment. Either we move forward, towards two States living side by side in peace, or backwards towards renewed conflict, deeper despair, and long-term insecurity and suffering, for Israelis and Palestinians alike.

The status quo is untenable. I hope it will be possible to launch without further delay negotiations for an end of occupation and an end of conflict, based on clear commitments to and implementation of the road map, including a settlement freeze.

In parallel with efforts on the political track, work on the ground must intensify. For the Palestinian Authority, this means

continuing its engagement with the challenges ahead. For Israel, this means broader action to ease movement and access restrictions and to enable Palestinian growth, building on the positive steps taken so far. For donors, this means continued support to the Palestinian Authority, including budget support, and the alignment of programming behind Palestinian national priorities.

The long-term impact of what is happening currently in Gaza can only undermine efforts to build a Palestinian State and achieve peace between Israelis and Palestinians. Progress on the core elements of Security Council resolution 1860 (2009) is essential. In addition to calling for

continued and expanded humanitarian assistance, the United Nations has proposed in concrete terms how to kickstart civilian reconstruction in Gaza, under our auspices, and the Palestinian Authority and the Quartet have given their full support. I appeal once again to the Government of Israel to allow, without delay, the entry of material into Gaza to make a meaningful start in addressing the massive civilian recovery needs.

Thank you again for your support. I look forward to continuing our shared efforts to support the Palestinian Authority in its drive for self-empowerment, and I wish you well in your deliberations.

VII. QUARTET WELCOMES PALESTINIAN AUTHORITY PLAN TO BUILD STATE INSTITUTIONS IN TWO YEARS

Following is the text of the Quartet statement that was issued after the meeting of the Quartet principals - representing the United States of America, the European Union, the Russian Federation and the United Nations - at United Nations Headquarters on 24 September 2009 (Press release SG/2155).

The Quartet – United Nations Secretary General Ban Ki-moon, Russian Foreign Minister Sergei Lavrov, U.S. Secretary of State Hillary Rodham Clinton, U.S. Special Envoy for Middle East Peace George Mitchell, High Representative for Common Foreign and Security Policy of the European Union Javier Solana, European Commissioner for External Relations Benita Ferrero-Waldner and Swedish Foreign Minister Carl Bildt — met in New York on 24 September 2009. They were joined by Quartet Representative Tony Blair.

Recalling the fundamental principles laid down in its statement in Trieste on 26 June 2009, the Quartet welcomes the recent

meetings between U.S. President Barack Obama, Israeli Prime Minister Benjamin Netanyahu, and Palestinian President Mahmoud Abbas as significant steps toward the re-launching of direct, bilateral negotiations as part of a comprehensive resolution of the Arab-Israeli conflict, on the basis of UN Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003), 1850 (2008), and the Madrid principles. The Quartet reiterates that the only viable solution to the Israeli-Palestinian conflict is an agreement that ends the occupation that began in 1967; resolves all permanent status issues as previously defined by the parties; 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. The Quartet reaffirms that Arab-Israeli peace and the establishment of a peaceful State of Palestine in the West Bank and Gaza, on this basis, is in the fundamental interests of the parties, of all States in the region, and of the international community.

The Quartet shares the sense of urgency expressed by President Obama and fully supports the steps ahead as outlined in his statement to the UN General Assembly on September 22. The Quartet calls on Israel and the Palestinians to act on their previous agreements and obligations — in particular adherence to the road map, irrespective of reciprocity — to create the conditions for the resumption of negotiations in the near term. The Quartet urges the Government of Israel to freeze all settlement activity, including natural growth; and to refrain from provocative actions in East Jerusalem and calls on the Palestinian Authority to continue to make every effort to improve law and order, to fight violent extremism, and to end incitement.

Recalling that transformative change on the ground is integral to peace, the Quartet welcomes the Palestinian Authority's plan for constructing the institutions of the Palestinian State within 24 months as a demonstration of the PA's serious commitment to an independent State that provides opportunity, justice, and security for the Palestinian people and is a responsible neighbor to all states in the region. The Quartet notes significantly improved economic growth in the West Bank and welcomes initial ministerial contact between the Palestinian Authority

and Israel on economic issues. The Quartet welcomes further steps by Israel to promote change on the ground and encourages it to redouble those efforts, in particular concerning free movement of people and goods. The Quartet calls on all States in the region and in the wider international community to match this commitment by contributing immediate, sustained, concrete, and coordinated support for the Palestinian nation-building effort. It further welcomes the Ad Hoc Liaison Committee's commitment to coordinating assistance for Palestinian economic and institutional development in support of the successful conclusion of negotiations toward the two-State solution.

The Quartet stresses the urgency of a durable resolution to the Gaza crisis and calls for a solution that addresses Israel's legitimate security concerns, including an end to weapons smuggling into Gaza; promotes the reunification of Gaza and the West Bank under the legitimate Palestinian Authority; and facilitates the opening of the crossings to allow for the unimpeded flow of humanitarian aid, commercial goods, and persons to and from Gaza, consistent with UN Security Council resolution 1860 (2009). The Quartet reaffirms its support for the proposed UN-led civilian reconstruction activities in Gaza. The Quartet reiterates its call for the immediate release of Israeli soldier Gilad Shalit.

Recognizing the significance of the Arab Peace Initiative, the Quartet urges regional governments to support the resumption of bilateral negotiations, enter into a structured regional dialogue on issues of common concern, and take steps toward normalization of relations across the region in the context of progress towards peace. In

this regard, the Quartet commits to remain actively involved on all tracks and supports, in consultation with the parties, an international conference in Moscow in 2009.

The Quartet tasks the envoys to continue to meet regularly and to formulate recommendations for Quartet action.

VIII. HIGH-LEVEL MEETING MARKS SIXTIETH ANNIVERSARY OF UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Following are Secretary-General Ban Ki-moon's remarks at the United Nations Relief and Works Agency for Palestine Refugees in the Near East high-level meeting at United Nations Headquarters on 24 September 2009 (Press release SG/SM/12486-PAL/2122).

I am honoured to join you in marking the sixtieth anniversary of the United Nations Relief and Works Agency.

The presence of so many ministers and other dignitaries during the United Nations busiest week of the year testifies to the respect and admiration that UNRWA enjoys around the world.

The conflict over the future of the British Mandate for Palestine was one of the very first items on the United Nations agenda. To this day, the search for peace between Israel and its neighbours, particularly the Palestinians, remains one of our main concerns.

We must revive negotiations toward a two-State solution and a comprehensive peace in the Middle East. We support President Obama's efforts for a resumption of negotiations and will work with the Quartet to that end.

UNRWA was created in 1949 to provide assistance to refugees pending a political resolution of their plight. Thanks to the Agency's care, millions of Palestinians lead better lives. That mission continues to have powerful resonance.

The United Nations also continues its efforts to address the political dimensions of the conflict. As we all know too well, the Security Council and General Assembly have adopted many landmark resolutions, but implementation has fallen short.

Those mixed results make UNRWA's work all the more important. Indeed, for more than four and a half million registered refugees, UNRWA is a lifeline and a beacon of hope. The Agency is a powerful expression of the international community's abiding concern about the Palestinian people and the question of Palestinians.

As we pay tribute to UNRWA's achievements, we must also acknowledge its severe funding shortages. These persist even as its caseload grows bigger and more complex.

Successive Commissioners-General have reported to the General Assembly on UNRWA's funding shortages. Even as we speak, the Agency's managers are struggling over painful service cuts they may have to make in their five fields of operation - and over the humanitarian consequences and possible political repercussions that could ensue.

I am fully aware that we are living in difficult economic times. Countries are facing serious budgetary problems and other financial constraints that could imperil their traditions of international solidarity and generosity.

As we mark this milestone, I must therefore appeal to all partners to do their part to ensure that UNRWA's invaluable work is placed — once and for all — on a firm financial foundation. The Agency's work is too important for it to suffer budget crisis after budget crisis.

Since 1974, the United Nations regular budget has covered only a tiny share of the

Agency's costs, with the rest coming from voluntary contributions. Perhaps the time has come for the Assembly to review this arrangement.

Over the years, working in adverse conditions, UNRWA has risen again and again to the challenge of providing for Palestinian refugees.

Today I call on the Member States represented here to renew their support for this work until there is a just and durable solution to the refugee problem — a solution that is an integral part of a comprehensive agreement resulting in two States living side by side in peace and security.

IX. HUMAN RIGHTS COUNCIL CONSIDERS GOLDSTONE REPORT

On 3 April 2009, the President of the Human Rights Council, acting in furtherance of Council resolution S-9/I, established the United Nations Fact-Finding Mission on the Gaza Conflict with the mandate "to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after". The President appointed Justice Richard Goldstone to head the Mission, which also included Professor Christine Chinkin, Ms. Hina Jilani, and Colonel Desmond Travers. On 29 September 2009, during its twelfth session, the Council considered the report of the Mission, the recommendations of which are reproduced below (see document A/HRC/12/48).

...

XXXI. Recommendations

1967. The Mission makes the following recommendations related to:

(a) Accountability for serious violations of international humanitarian law;

(b) Reparations;

(c) Serious violations of human rights law;

(d) The blockade and reconstruction;

(e) The use of weapons and military procedures;

(f) The protection of human rights organizations and defenders;

(g) Follow-up to the Mission's recommendations.

1968. To the Human Rights Council,

(a) The Mission recommends that the United Nations Human Rights Council should endorse the recommendations contained in this report, take appropriate action to implement them as recommended by the Mission and through other means as it may deem appropriate, and continue to review their implementation in future sessions;

(b) In view of the gravity of the violations of international human rights and humanitarian law and possible war crimes and crimes against humanity that it has reported, the Mission recommends that the United Nations Human Rights Council should request the United Nations Secretary-General to bring this report to the attention of the United Nations Security Council under Article 99 of the Charter of the United Nations so that the Security Council may consider action according to the Mission's relevant recommendations below;

(c) The Mission further recommends that the United Nations Human Rights Council should formally submit this report to the Prosecutor of the International Criminal Court;

(d) The Mission recommends that the Human Rights Council should submit this report to the General Assembly with a request that it should be considered;

(e) The Mission recommends that the Human Rights Council should bring the Mission's recommendations to the attention of the relevant United Nations human rights

treaty bodies so that they may include review of progress in their implementation, as may be relevant to their mandate and procedures, in their periodic review of compliance by Israel with its human rights obligations. The Mission further recommends that the Human Rights Council should consider review of progress as part of its universal periodic review process.

1969. To the United Nations Security Council,

(a) The Mission recommends that the Security Council should require the Government of Israel, under Article 40 of the Charter of the United Nations:

(i) To take all appropriate steps, within a period of three months, to launch appropriate investigations that are independent and in conformity with international standards, into the serious violations of international humanitarian and international human rights law reported by the Mission and any other serious allegations that might come to its attention;

(ii) To inform the Security Council, within a further period of three months, of actions taken, or in process of being taken, by the Government of Israel to inquire into, investigate and prosecute such serious violations;

(b) The Mission further recommends that the Security Council should at the same time establish an independent committee of experts in international humanitarian and human rights law to monitor and report on any domestic legal or other proceedings undertaken by the Government of Israel in relation to the aforesaid investigations. Such committee of experts should report at the

end of the six-month period to the Security Council on its assessment of relevant domestic proceedings initiated by the Government of Israel, including their progress, effectiveness and genuineness, so that the Security Council may assess whether appropriate action to ensure justice for victims and accountability for perpetrators has been or is being taken at the domestic level. The Security Council should request the committee to report to it at determined intervals, as may be necessary. The committee should be appropriately supported by the Office of the United Nations High Commissioner for Human Rights;

(c) The Mission recommends that, upon receipt of the committee's report, the Security Council should consider the situation and, in the absence of good-faith investigations that are independent and in conformity with international standards having been undertaken or being under way within six months of the date of its resolution under Article 40 by the appropriate authorities of the State of Israel, again acting under Chapter VII of the Charter of the United Nations, refer the situation in Gaza to the Prosecutor of the International Criminal Court pursuant to article 13 (b) of the Rome Statute;

(d) The Mission recommends that the Security Council should require the independent committee of experts referred to in subparagraph (b) to monitor and report on any domestic legal or other proceedings undertaken by the relevant authorities in the Gaza Strip in relation to the aforesaid investigations. The committee should report at the end of the six-month period to the Security Council on its assessment of relevant domestic proceedings initiated by

the relevant authorities in Gaza, including their progress, effectiveness and genuineness, so that the Security Council may assess whether appropriate action to ensure justice for victims and accountability for perpetrators has been taken or is being taken at the domestic level. The Security Council should request the committee to report to it at determined intervals, as may be necessary;

(e) The Mission recommends that, upon receipt of the committee's report, the Security Council should consider the situation and, in the absence of good-faith investigations that are independent and in conformity with international standards having been undertaken or being under way within six months of the date of its resolution under Article 40 by the appropriate authorities in Gaza, acting under Chapter VII of the Charter of the United Nations, refer the situation in Gaza to the Prosecutor of the International Criminal Court pursuant to article 13 (b) of the Rome Statute;

(f) The Mission recommends that lack of cooperation by the Government of Israel or the Gaza authorities with the work of the committee should be regarded by the Security Council to be obstruction of the work of the committee.

1970. To the Prosecutor of the International Criminal Court, with reference to the declaration under article 12 (3) received by the Office of the Prosecutor of the International Criminal Court from the Government of Palestine, the Mission considers that accountability for victims and the interests of peace and justice in the region require that the Prosecutor should make the required legal determination as expeditiously as possible.

1971. To the General Assembly,

(a) The Mission recommends that the General Assembly should request the Security Council to report to it on measures taken with regard to ensuring accountability for serious violations of international humanitarian law and human rights in relation to the facts in this report and any other relevant facts in the context of the military operations in Gaza, including the implementation of the Mission's recommendations. The General Assembly may remain appraised of the matter until it is satisfied that appropriate action is taken at the domestic or international level in order to ensure justice for victims and accountability for perpetrators. The General Assembly may consider whether additional action within its powers is required in the interests of justice, including under its resolution 377 (V) on uniting for peace;

(b) The Mission recommends that the General Assembly should establish an escrow fund to be used to pay adequate compensation to Palestinians who have suffered loss and damage as a result of unlawful acts attributable to Israel during the December–January military operation and actions in connection with it, and that the Government of Israel should pay the required amounts into such fund. The Mission further recommends that the General Assembly should ask the Office of the United Nations High Commissioner for Human Rights to provide expert advice on the appropriate modalities to establish the escrow fund;

(c) The Mission recommends that the General Assembly should ask the Government of Switzerland to convene a conference of the high contracting parties to

the Fourth Geneva Convention of 1949 on measures to enforce the Convention in the Occupied Palestinian Territory and to ensure its respect in accordance with its article 1;

(d) The Mission recommends that the General Assembly should promote an urgent discussion on the future legality of the use of certain munitions referred to in this report, and in particular white phosphorous, flechettes and heavy metal such as tungsten. In such discussion the General Assembly should draw inter alia on the expertise of the International Committee of the Red Cross (ICRC). The Mission further recommends that the Government of Israel should undertake a moratorium on the use of such weapons in the light of the human suffering and damage they have caused in the Gaza Strip.

1972. To the State of Israel,

(a) The Mission recommends that Israel should immediately cease the border closures and restrictions on passage through border crossings with the Gaza Strip and allow the passage of goods necessary and sufficient to meet the needs of the population, for the recovery and reconstruction of housing and essential services, and for the resumption of meaningful economic activity in the Gaza Strip;

(b) The Mission recommends that Israel should cease the restrictions on access to the sea for fishing purposes imposed on the Gaza Strip and allow such fishing activities within the 20 nautical miles as provided for in the Oslo Accords. It further recommends that Israel should allow the resumption of agricultural activity within the Gaza Strip, including within areas in the vicinity of the borders with Israel;

(c) Israel should initiate a review of the rules of engagement, standard operating procedures, open fire regulations and other guidance for military and security personnel. The Mission recommends that Israel should avail itself of the expertise of the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Human Rights and other relevant bodies, and Israeli experts, civil society organizations with the relevant expertise and specialization, in order to ensure compliance in this respect with international humanitarian law and international human rights law. In particular such rules of engagement should ensure that the principles of proportionality, distinction, precaution and non-discrimination are effectively integrated in all such guidance and in any oral briefings provided to officers, soldiers and security forces, so as to avoid the recurrence of Palestinian civilian deaths, destruction and affronts on human dignity in violation of international law;

(d) The Mission recommends that Israel should allow freedom of movement for Palestinians within the Occupied Palestinian Territory — within the West Bank, including East Jerusalem, between the Gaza Strip and the West Bank, and between the Occupied Palestinian Territory and the outside world — in accordance with international human rights standards and international commitments entered into by Israel and the representatives of the Palestinian people. The Mission further recommends that Israel should forthwith lift travel bans currently placed on Palestinians by reason of their human rights or political activities;

(e) The Mission recommends that Israel should release Palestinians who are detained in Israeli prisons in connection with

the occupation. The release of children should be an utmost priority. The Mission further recommends that Israel should cease the discriminatory treatment of Palestinian detainees. Family visits for prisoners from Gaza should resume;

(f) The Mission recommends that Israel should forthwith cease interference with national political processes in the Occupied Palestinian Territory, and as a first step release all members of the Palestinian Legislative Council currently in detention and allow all members of the Council to move between Gaza and the West Bank so that it may resume functioning;

(g) The Mission recommends that the Government of Israel should cease actions aimed at limiting the expression of criticism by civil society and members of the public concerning Israel's policies and conduct during the military operations in the Gaza Strip. The Mission also recommends that Israel should set up an independent inquiry to assess whether the treatment by Israeli judicial authorities of Palestinian and Jewish Israelis expressing dissent in connection with the offensive was discriminatory, in terms of both charges and detention pending trial. The results of the inquiry should be made public and, subject to the findings, appropriate remedial action should be taken;

(h) The Mission recommends that the Government of Israel should refrain from any action of reprisal against Palestinian and Israeli individuals and organizations that have cooperated with the United Nations Fact-Finding Mission on the Gaza Conflict, in particular individuals who have appeared at the public hearings held by the Mission in Gaza and Geneva and expressed criticism of actions by Israel;

(i) The Mission recommends that Israel should reiterate its commitment to respecting the inviolability of United Nations premises and personnel and that it should undertake all appropriate measures to ensure that there is no repetition of violations in the future. It further recommends that reparation to the United Nations should be provided fully and without further delay by Israel, and that the General Assembly should consider this matter.

1973. To Palestinian armed groups,

(a) The Mission recommends that Palestinian armed groups should undertake forthwith to respect international humanitarian law, in particular by renouncing attacks on Israeli civilians and civilian objects, and take all feasible precautionary measures to avoid harm to Palestinian civilians during hostilities;

(b) The Mission recommends that Palestinian armed groups who hold Israeli soldier Gilad Shalit in detention should release him on humanitarian grounds. Pending such release they should recognize his status as prisoner of war, treat him as such, and allow him ICRC visits.

1974. To responsible Palestinian authorities,

(a) The Mission recommends that the Palestinian Authority should issue clear instructions to security forces under its command to abide by human rights norms as enshrined in the Palestinian Basic Law and international instruments, ensure prompt and independent investigation of all allegations of serious human rights violations by security forces under its control, and end

resort to military justice to deal with cases involving civilians;

(b) The Mission recommends that the Palestinian Authority and the Gaza authorities should release without delay all political detainees currently in their power and refrain from further arrests on political grounds and in violation of international human rights law;

(c) The Mission recommends that the Palestinian Authority and the Gaza authorities should continue to enable the free and independent operation of Palestinian non-governmental organizations, including human rights organizations, and of the Independent Commission for Human Rights.

1975. To the international community,

(a) The Mission recommends that the States parties to the Geneva Conventions of 1949 should start criminal investigations in national courts, using universal jurisdiction, where there is sufficient evidence of the commission of grave breaches of the Geneva Conventions of 1949. Where so warranted following investigation, alleged perpetrators should be arrested and prosecuted in accordance with internationally recognized standards of justice;

(b) International aid providers should step up financial and technical assistance for organizations providing psychological support and mental health services to the Palestinian population;

(c) In view of their crucial function, the Mission recommends that donor countries/assistance providers should continue to support the work of Palestinian

and Israeli human rights organizations in documenting and publicly reporting on violations of human rights and international humanitarian law, and advising relevant authorities on their compliance with international law;

(d) The Mission recommends that States involved in peace negotiations between Israel and representatives of the Palestinian people, especially the Quartet, should ensure that respect for the rule of law, international law and human rights assumes a central role in internationally sponsored peace initiatives;

(e) In view of the allegations and reports about long-term environmental damage that may have been created by certain munitions or debris from munitions, the Mission recommends that a programme of environmental monitoring should take place under the auspices of the United Nations, for as long as deemed necessary. The programme should include the Gaza Strip and areas within southern Israel close to impact sites. The environmental monitoring programme should be in accordance with the recommendations of an independent body, and samples and analyses should be analysed by one or more independent expert institutions. Such recommendations, at least at the outset, should include measurement mechanisms which address the fears of the population of Gaza and southern Israel at this time and should at a minimum be in a position to determine the presences of heavy metals of all varieties, white phosphorous, tungsten micro-shrapnel and granules and such other chemicals as may be revealed by the investigation.

1976. To the international community and responsible Palestinian authorities,

(a) The Mission recommends that appropriate mechanisms should be established to ensure that the funds pledged by international donors for reconstruction activities in the Gaza Strip are smoothly and efficiently disbursed, and urgently put to use for the benefit of the population of Gaza;

(b) In view of the consequences of the military operations, the Mission recommends that responsible Palestinian authorities as well as international aid providers should pay special attention to the needs of persons with disabilities. In addition, the Mission recommends that medical follow-up should be ensured by relevant international and Palestinian structures with regard to patients who suffered amputations or were otherwise injured by munitions, the nature of which has not been clarified, in order to monitor any possible long-term impact on their health. Financial and technical assistance should be provided to ensure adequate medical follow-up to Palestinian patients.

1977. To the international community, Israel and Palestinian authorities,

(a) The Mission recommends that Israel and representatives of the Palestinian people, and international actors involved in the peace process, should involve Israeli and Palestinian civil society in devising sustainable peace agreements based on respect for international law. The participation of women should be ensured in accordance with Security Council resolution 1325 (2000);

(b) The Mission recommends that attention should be given to the position of women and steps be taken to ensure their access to compensation, legal assistance and economic security.

1978. To the United Nations Secretary-General, the Mission recommends that the Secretary-General should develop a policy to integrate human rights in peace initiatives in which the United Nations is involved, especially the Quartet, and request the United Nations High Commissioner for Human Rights to provide the expertise required to implement this recommendation.

1979. To the Office of the United Nations High Commissioner for Human Rights,

(a) The Mission recommends that the Office of the United Nations High

Commissioner for Human Rights should monitor the situation of persons who have cooperated with the United Nations Fact-Finding Mission on the Gaza Conflict and periodically update the Human Rights Council through its public reports and in other ways as it may deem appropriate;

(b) The Mission recommends that the Office of the High Commissioner for Human Rights should give attention to the Mission's recommendations in its periodic reporting on the Occupied Palestinian Territory to the Human Rights Council.

X. NON-ALIGNED MOVEMENT CONDEMNS ISRAELI ACTIONS IN JERUSALEM

On 29 September 2009, the Coordinating Bureau of the Non-Aligned Movement issued the following statement in New York, as contained in a letter addressed to the United Nations Secretary-General by Maged Abdelaziz, Permanent Representative of Egypt, acting in his capacity as Chair of the Coordinating Bureau (A/ES-10/463).

The Members of the Non-Aligned Movement (NAM) express their serious concern about the situation in the Occupied Palestinian Territory, including East Jerusalem, as a result of continuing illegal actions by Israel, the occupying Power. In particular, NAM expresses grave concern about the ongoing illegal Israeli settlement colonization campaign being carried out in the Occupied Palestinian Territory, with shocking intensity in and around Occupied East Jerusalem, and the inhumane, unlawful Israeli blockade that continues to be imposed on the Palestinian civilian population in the Gaza Strip and the resultant dire humanitarian crisis.

NAM expresses alarm at recent attacks carried out by the occupying forces, including extremist settlers, against

Palestinian worshippers at Al-Haram Al-Sharif compound in Occupied East Jerusalem. NAM condemns Israel's continuing provocations, aggression and illegal actions against the City's holy sites and against its Palestinian inhabitants. NAM reiterates its condemnation of all illegal Israeli actions and provocative measures aimed at altering the demographic composition, geographic nature, character and status of Occupied East Jerusalem and the rest of the Occupied Palestinian Territory. NAM expresses grave concern that, in defiance of the clear international consensus rejecting such colonization activities and in flagrant breach of international law, Israel continues to construct settlements and the Wall in the Occupied Palestinian Territory, especially in and around East Jerusalem, where the

occupying Power also continues, inter alia, to demolish Palestinian homes, to evict Palestinian families from their homes, to confiscate Palestinian land and properties and to carry out excavations in the City, including in the vicinity of Al-Haram Al-Sharif compound.

NAM reiterates its demand for the immediate cessation of all Israeli violations of international law, including humanitarian and human rights law, including an end to its illegal blockade on the Gaza Strip and all settlement activities, which are deepening the suffering of the Palestinian people and undermining the prospects for peace. NAM calls upon the international community, particularly the Security Council, to uphold its responsibilities and to take the necessary action to compel Israel, the occupying

Power, to comply with all of its legal obligations, including under the Fourth Geneva Convention, and with its commitments under the Quartet road map.

NAM calls for a redoubling of efforts aimed at the achievement of a just, lasting and comprehensive peace on the basis of the relevant United Nations resolutions, the Madrid terms of reference, the Arab Peace Initiative and the road map. In this regard, NAM reaffirms its unwavering support for the realization by the Palestinian people of their inalienable rights, including their right to self-determination, with the establishment of their contiguous, viable and independent State of Palestine, with East Jerusalem as its capital, and a just solution for the plight of the Palestine refugees on the basis of General Assembly resolution 194 (III).