



## 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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*The Bulletin can be found in the United Nations Information System  
on the Question of Palestine (UNISPAL) on the Internet at:*  
<http://unispal.un.org>

## **I. SECRETARY-GENERAL CONDEMNS ISRAELI SETTLEMENT PLANS**

*The following statement was issued on 10 March 2010 by the Spokesperson for Secretary-General Ban Ki-moon (press release SG/SM/12781).*

The Secretary-General condemns the approval of plans for the building of 1,600 new housing units in East Jerusalem by the Israeli Ministry of Interior earlier today. He reiterates that settlements are illegal under

international law. Furthermore, he underscores that settlement activity is contrary to Israel's obligations under the Road Map and undermines any movement towards a viable peace process.

## **II. QUARTET CONDEMNS ISRAELI SETTLEMENT DECISION**

*The following statement was issued on 12 March 2010 by the Middle East Quartet comprising the United Nations, the Russian Federation, the United States, and the European Union (press release SG/2157).*

The Quartet condemns Israel's decision to advance planning for new housing units in East Jerusalem. The Quartet has agreed to closely monitor developments in Jerusalem and to keep under consideration additional steps that may be required to address the situation on the ground. The Quartet reaffirms that unilateral actions taken by either party cannot prejudice the outcome of negotiations and will not be recognized by the international community.

The Quartet reiterates that Arab-Israeli peace and the establishment of an

independent, contiguous and viable State of Palestine is in the fundamental interests of the parties, of all States in the region, and of the international community. In this regard, the Quartet calls on all concerned to support the urgent resumption of dialogue between the parties and to promote an atmosphere that is conducive to successful negotiations to resolve all outstanding issues of the conflict, including the status of Jerusalem. The Quartet will take full stock of the situation at its meeting in Moscow on 19 March.

## **III. COMMISSION ON THE STATUS OF WOMEN APPROVES RESOLUTION ON PALESTINIAN WOMEN**

*At its fifty-fourth session, the Commission on the Status of Women considered the report of the Secretary-General on the situation of and assistance to Palestinian women, (see E/CN.6/2010/4). On 12 March 2010, the Commission approved a draft resolution on the situation of and assistance to Palestinian women, introduced by Yemen and Palestine on behalf of the Group of 77 and China, as contained in the document E/CN.6/2010/L.4, by a recorded vote of 31 in favour to 2 against ( Israel, United States), with 10 abstentions, and recommended it to the Economic and Social Council for adoption. The text of the draft resolution is reproduced below.*

## **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,*<sup>1</sup>

*Recalling the Nairobi Forward-looking Strategies for the Advancement of Women,*<sup>2</sup> in particular paragraph 260 concerning Palestinian women and children, the Beijing Platform for Action adopted at the Fourth World Conference on Women,<sup>3</sup> 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”,<sup>4</sup>

*Recalling also its resolution 2009/14 of 28 July 2009 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,*

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<sup>1</sup> E/CN.6/2010/4.

<sup>2</sup> *Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985* (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

<sup>3</sup> *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

<sup>4</sup> General Assembly resolution S-23/2, annex, and resolution S-23/3, annex.

*Recalling further the Declaration on the Elimination of Violence against Women*<sup>5</sup> as it concerns the protection of civilian populations,

*Recalling the International Covenant on Civil and Political Rights,*<sup>6</sup> the International Covenant on Economic, Social and Cultural Rights<sup>6</sup> and the Convention on the Rights of the Child,<sup>7</sup> and reaffirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Expressing deep concern about the grave situation of Palestinian women in the Occupied Palestinian Territory, including East Jerusalem, resulting from the severe impact of the ongoing illegal Israeli occupation and all of its manifestations,*

*Expressing grave concern over the increased difficulties being faced by Palestinian women and girls living under Israeli occupation, including the continuation of home demolitions, 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,*

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<sup>5</sup> See General Assembly resolution 48/104.

<sup>6</sup> General Assembly resolution 2200 A (XXI), annex.

<sup>7</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

*Deploring* 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 construction and expansion of settlements and the Wall and 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 for pregnant women to health services for antenatal care and safe delivery, education, employment, development and freedom of movement,

*Gravely concerned in particular* about the continuing deterioration in the socio-economic and humanitarian situation in the Gaza Strip, including that resulting from the Israeli military operations and the imposition of a blockade consisting of the prolonged closure of border crossings and severe restrictions on the movement of all persons and goods, which has detrimentally affected every aspect of the lives of the civilian population, especially women and children, in the Gaza Strip,

*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 peacebuilding and 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, and stressing the importance of their equal participation and

involvement in all efforts for the achievement, maintenance and promotion of peace and security,

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 the 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 achievement, 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,<sup>8</sup> the Regulations annexed to The Hague Convention IV of 18 October 1907,<sup>9</sup> the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,<sup>10</sup> and all other

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<sup>8</sup> General Assembly resolution 217 A (III).

<sup>9</sup> See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

<sup>10</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

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,<sup>2</sup> in particular paragraph 260 concerning Palestinian women and children,

the Beijing Platform for Action<sup>3</sup> 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”;<sup>4</sup>

7. *Requests* the Secretary-General to continue to review the situation, to assist Palestinian women by all available means, including those laid out in the report of the Secretary-General on the situation of and assistance to Palestinian women<sup>1</sup> and to submit to the Commission on the Status of Women at its fifty-fifth 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.

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\* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

\*\* In accordance with rule 69 of the rules of procedure of the functional commissions of the Economic and Social Council.

#### **IV. SECRETARY-GENERAL CONDEMNS ROCKET ATTACK FROM GAZA**

*The following statement was issued on 18 March 2010 by the Spokesperson for Secretary-General Ban Ki-moon (press release SG/SM/12795):*

The Secretary-General condemns today's rocket attack from Gaza which killed a civilian in Israel. All such acts of

terror and violence against civilians are totally unacceptable and contrary to international law.

## **V. BUREAU OF THE COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE GRAVELY CONCERNED OVER ISRAELI POLICIES IN OCCUPIED EAST JERUSALEM**

*The following statement was issued on 19 March 2010 by the Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People on the situation in occupied East Jerusalem (press release GA/PAL/1153):*

The Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People is gravely concerned about Israel's ongoing policy of perpetuating its occupation of East Jerusalem through settlement expansion and other policies and actions illegal under international law.

We view it as alarming and totally unacceptable that the Government of Israel continues to flagrantly dismiss numerous calls by members of the international community, including the Quartet, for halting the illegal settlement activity in the Occupied West Bank and especially in East Jerusalem. Prime Minister Netanyahu's latest statements in that regard send a clear message to the international community that the Israeli strategy is to continue to build illegally in Jerusalem. The approval by the Ministry of the Interior of plans to add 1,600 new housing units in the "Ramat Shlomo" settlement in East Jerusalem is yet another sign of such intentions.

Amid other illegal and highly provocative actions, including the recent dedication of a synagogue in the vicinity of the Al-Aqsa Mosque, the occupying Power has continued to displace Palestinian residents in East Jerusalem through illegal house demolitions, evictions and residency right revocations.

East Jerusalem is an occupied territory, and Israel, the occupying Power, is fully

bound by the provisions of international law, including the Fourth Geneva Convention. Article 49 of the Convention stipulates that: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". Settlement expansion and transfer of Israeli citizens to settlements, as well as forced transfer of Palestinian residents out of the City, constitute unquestionable violations of Article 49 of the Convention. The international community must act against the persisting violation of international law, or will risk undermining the credibility of this important international legal framework, on which other conflict situations in the world depend.

By unlawfully creating such facts on the ground, the Government of Israel is pre-determining the outcome of the permanent status negotiations and, therefore, will render negotiations on the status of Jerusalem meaningless. Israel's actions and policy on the issue of settlements also seriously threaten the prospects of ever achieving a comprehensive, just and lasting settlement of the Israeli-Palestinian conflict on the basis of the two-State solution. These illegal and provocative actions of the Israeli leadership are also directly undermining current efforts at resuming the political process between the parties.

The Bureau of the Committee reiterates its calls on the Israeli Government to immediately stop all its settlement activity



and to refrain forthwith from any measures and actions that may alter the legal, demographic and cultural character and status of the Occupied East Jerusalem and the rest of the Occupied Palestinian Territory. We wish to remind Israel about the stated commitment of the international community not to recognize attempts at annexing East Jerusalem or any changes to the pre-1967 borders, other than those agreed by the parties through negotiations. The Bureau welcomes in this regard the

statement issued today, 19 March 2010, in Moscow by the Quartet. The Bureau of the Committee strongly urges the continued active engagement by the Quartet, and urges the Security Council to act as the genuine guarantor of international peace and security in a most decisive manner against the continuing violations by Israel, the occupying Power, of resolution 252 (1968) and all subsequent resolutions relevant to the status of Jerusalem.

## **VI. QUARTET SAYS NEGOTIATIONS SHOULD LEAD TO SETTLEMENT IN 24 MONTHS**

*The following statement was issued on 19 March 2010 in Moscow by the Middle East Quartet (United Nations, Russian Federation, United States and European Union), as contained in press release SG/2158:*

The Quartet — United Nations Secretary-General Ban Ki-moon, Russian Foreign Minister Sergey Lavrov, United States Secretary of State Hillary Rodham Clinton, United States Special Envoy for Middle East Peace George Mitchell, and High Representative for Foreign Affairs and Security Policy of the European Union Catherine Ashton — met in Moscow on 19 March 2010. They were joined by Quartet Representative Tony Blair.

Reaffirming the fundamental principles laid down in its statement in Trieste on 26 June 2009, the Quartet welcomes the readiness to launch proximity talks between Israel and the Palestinians. The Quartet emphasizes that the circumstances which made it possible to agree to launch the proximity talks be respected. The proximity talks are an important step towards the resumption, without preconditions, of direct bilateral negotiations that resolve all final status

issues as previously agreed by the parties. The Quartet believes these negotiations should lead to a settlement, negotiated between the parties within 24 months, that ends the occupation which began in 1967 and results in the emergence of an independent, democratic and viable Palestinian State living side by side in peace and security with Israel and its other neighbours. The Quartet reiterates that Arab-Israeli peace and the establishment of a peaceful State of Palestine in the West Bank and Gaza is in the fundamental interests of the parties, of all the States in the region and of the international community. In this regard, the Quartet calls on all States to support dialogue between the parties.

The Quartet reiterates its call on Israel and the Palestinians to act on the basis of international law and on their previous agreements and obligations — in particular adherence to the Road Map, irrespective of reciprocity — to promote an environment

conducive to successful negotiations, and reaffirms that unilateral actions taken by either party cannot prejudice the outcome of negotiations and will not be recognized by the international community. The Quartet urges the Government of Israel to freeze all settlement activity, including natural growth, to dismantle outposts erected since March 2001, and to refrain from demolitions and evictions in East Jerusalem. The Quartet also calls on both sides to observe calm and restraint, and to refrain from provocative actions and inflammatory rhetoric, especially in areas of cultural and religious sensitivity. Noting the significant progress on security achieved by the Palestinian Authority in the West Bank, the Quartet calls on the Palestinian Authority to continue to make every effort to improve law and order, to fight violent extremism and to end incitement. The Quartet emphasizes the need to assist the Palestinian Authority in building its law enforcement capacity.

Recalling that the annexation of East Jerusalem is not recognized by the international community, the Quartet underscores that the status of Jerusalem is a permanent status issue that must be resolved through negotiations between the parties, and condemns the decision by the Government of Israel to advance planning for new housing units in East Jerusalem. The Quartet reaffirms its intention to closely monitor developments in Jerusalem and to keep under consideration additional steps that may be required to address the situation on the ground. The Quartet recognizes that Jerusalem is a deeply important issue for Israelis and Palestinians, and for Jews, Muslims and Christians, and believes that through good-faith negotiations, the parties can mutually agree on an outcome that

realizes the aspirations of both parties for Jerusalem, and safeguards its status for people around the world.

Recalling that transformative change on the ground is integral to peace, the Quartet continues to support the Palestinian Authority's plan of August 2009 for building the Palestinian State within 24 months as a demonstration of Palestinians' serious commitment to an independent State that provides good governance, opportunity, justice and security for the Palestinian people from the first day that it is established and is a responsible neighbour to all States in the region. The Quartet takes positive note of Israel's steps to ease restrictions of movement in the West Bank, and calls for further and sustained steps to facilitate the State-building efforts of the Palestinian Authority. The Quartet endorses fully the efforts of the Quartet Representative in support of Prime Minister [Salam] Fayyad's State-building and economic development programme, which has seen significant improvement in the Palestinian Authority's performance with respect to security and law and order, and improved economic growth. The Quartet supports the Quartet Representative in his vital efforts to promote change on the ground in aid of the political negotiations.

The Quartet further calls on all States in the region and in the wider international community to match the Palestinian commitment to State-building by contributing immediate, concrete and sustained support for the Palestinian Authority and, in this regard, looks forward to the upcoming meeting of the Ad Hoc Liaison Committee to coordinate international support for the Palestinian State-building effort.

The Quartet is deeply concerned by the continuing deterioration in Gaza, including the humanitarian and human rights situation of the civilian population, and stresses the urgency of a durable resolution to the Gaza crisis. The Quartet calls for a solution that addresses Israel's legitimate security concerns, including an end to weapons smuggling into Gaza; promotes Palestinian unity based on the Palestine Liberation Organization (PLO) commitments and the reunification of Gaza and the West Bank under the legitimate Palestinian Authority; and ensures the opening of the crossings to allow for the unimpeded flow of humanitarian aid, commercial goods and persons to and from Gaza, consistent with United Nations Security Council resolution 1860 (2009). The Quartet takes positive note that the Israeli Government has just communicated its approval of a number of the United Nations Secretary-General's civilian recovery projects, including a stalled housing project in Khan Younis, and looks forward to their early implementation. The Quartet condemns yesterday's rocket fire from Gaza and calls for an immediate end to violence and terror, and for calm to be respected. The Quartet reiterates its call for the immediate release of Israeli soldier Gilad Shalit.

Recognizing the significance of the Arab Peace Initiative, the Quartet looks forward to closer cooperation with the parties and the Arab League, and urges regional Governments to support publicly the resumption of bilateral negotiations, enter into structured regional dialogue on issues of common concern, and take steps to foster positive relations throughout the region in the context of progress towards comprehensive peace on the basis of United Nations Security Council resolutions 242, 338, 1397, 1515 and 1850, and the Madrid principles, including through the conclusion of peace agreements between Israel and Syria and Israel and Lebanon.

The Quartet commits to remain actively involved on all tracks and to encourage and review progress. The Quartet commits to meet regularly and tasks the envoys to intensify their cooperation, to maintain contacts with the Arab League Committee on the Arab Peace Initiative, and to formulate recommendations for Quartet action.

The Quartet reaffirms its previous statements, and supports, in consultation with the parties, an international conference in Moscow at the appropriate time, concurrent with direct negotiations.

## **VII. SECRETARY-GENERAL DISTRESSED BY DEATH OF PALESTINIAN TEENAGERS, CONDEMNS ROCKET FIRE**

*The following statement was issued on 20 March 2010 by the Spokesperson for Secretary-General Ban Ki-moon (press release SG/SM/12801):*

The Secretary-General, who is on the first day of his visit to Israel and the Occupied Palestinian Territory, is deeply distressed and concerned by reports of the deaths of two Palestinian teenagers in the West Bank.

He repeats his condemnation of rocket fire from Gaza into Israel, which occurred again today.

The Secretary-General strongly appeals for calm and an end to violence, particularly at this critical juncture.

## **VIII. SECRETARY-GENERAL BRIEFS SECURITY COUNCIL ON QUARTET MEETING, REGIONAL TOUR**

*On 24 March 2010, the Security Council met to consider “The situation in the Middle East, including the Palestinian question.” It heard a briefing by Secretary-General Ban Ki-moon, which is reproduced below. For a verbatim record of the meeting see document S/PV.6292.*

I welcome this opportunity to brief the Security Council at this important juncture in our work for peace in the Middle East.

As members of the Council know, I have just returned from visiting Israel and the occupied Palestinian territory, following the meeting of the Quartet in Moscow this past Friday.

Before the Quartet meeting, I had a series of bilateral meetings with the Russian leadership, including President Medvedev and Foreign Minister Lavrov. I thanked the Russian Federation for its enhanced contribution to the United Nations agenda and activities, and we discussed the United Nations-Russian Federation partnership on regional and global issues. While in Moscow, I also signed a joint declaration with the Collective Security Treaty Organization aimed at strengthening cooperation on counter-terrorism, drug trafficking, conflict prevention and other areas.

Tomorrow, I depart for Sirte, in the Libyan Arab Jamahiriya, to attend the summit of the League of Arab States.

These missions take place amid continuing efforts to start Israeli-Palestinian proximity talks and a crisis of confidence spurred by the announcement by Israel of its intention to advance planning for the construction of 1,600 new settlement units in East Jerusalem.

The statement issued by the Quartet in Moscow reflected strong agreement on all main points.

First, Quartet members stressed the need for proximity talks to move ahead and to become direct negotiations as soon as possible, with the goal of resolving all final status issues within 24 months.

Secondly, the Quartet emphasized that the parties should respect the conditions that made proximity talks possible and act in accordance with international law and the Road Map. This includes a freeze of all settlement activity by Israel and fulfilment of security obligations by the Palestinians. The Quartet condemned the recent Israeli settlement announcement, reaffirmed the international position on Jerusalem, and agreed to closely monitor developments and keep under consideration any additional measures that may be necessary. Both sides were urged to refrain from provocative actions and inflammatory rhetoric.

Thirdly, the Quartet expressed strong support for the Palestinian Authority’s State-building agenda, which was launched in August last year with the goal of completing preparations for statehood in 24 months.

Fourthly, the Quartet agreed on the need for an immediate easing of the closure affecting Gaza and restated its commitment to a durable solution to the issues of security, unity and crossings, as envisaged in resolution 1860 (2009).

I carried these important messages to the Israeli and Palestinian leaders and their publics. In Ramallah, I met Prime Minister Fayyad and other senior figures. President Abbas was in Jordan recuperating from his recent fall, so I will meet him in Sirte. I was strongly assured of President Abbas's commitment to proximity talks and a negotiated settlement on all core issues. Concern was expressed at changing facts on the ground, which prejudice the outcome of negotiations and undermine trust. The importance of Israel meeting its Road Map obligations — including those to freeze settlements, remove outposts and reopen Palestinian institutions in East Jerusalem — was stressed.

The Palestinian authorities emphasized their wish to see a greater Quartet role in defining the endgame, given the desire to avoid past failures. Indirect talks were viewed as a vehicle to achieving progress on substantive core issues in advance of a direct phase of final negotiations.

Prime Minister Fayyad took me to the Al-Masyoun lookout point, on the border between Area A, which is under Palestinian administration, and Area C, which is under Israeli control. The lookout and the subsequent briefing I received made the Palestinian dilemma quite clear.

Palestinians need to be able to use more of their land for housing, agriculture, industry, water, construction materials and more. Yet, they have limited access to Area C and no role in zoning. Those restrictions prevent Palestinian economic and social development. I could also see the barrier snaking through the West Bank. I have strongly advised the Israeli authorities, while addressing their security concerns, to find a

way to further ease the constraints that restrict Palestinian life and risk undermining the eventual viability of a Palestinian State.

Despite these difficulties, the Palestinian Authority is making important gains, becoming more transparent, accountable and effective. I was impressed by the efficiency of the security services and the signs of economic activity. I was also impressed by the Palestinian determination to build positive facts from the ground up as a complement to the political process. Palestinian statehood must become an emerging reality based on legitimate Palestinian rights, positive Palestinian actions and a negotiated political settlement. I confirmed to the Prime Minister the determination of the United Nations country team to continue and expand its support for these State-building efforts. International support remains crucial.

It was also brought to my attention that almost all recent disturbances between Israelis and Palestinians have taken place in areas where Israeli forces are present in Palestinian-populated areas. I received appeals for an end to incursions, the further removal of checkpoints, and more responsibility to be given to Palestinian Authority security forces in Palestinian-populated areas.

We discussed the essential Palestinian commitment to non-violence and legitimate protest in that context. I expressed my concern about Palestinian prisoners and publicly urged Israel to release prisoners, as called for by the Palestinian Authority.

I was deeply dismayed that four Palestinians under the age of 20 were shot and killed by Israeli security forces in the

West Bank during my visit. Israeli Defense Minister Barak assured me that Israel would investigate those incidents. I publicly condemned all such violence and stressed the importance of protecting civilians.

I also met with representatives of two families that had been evicted from their homes. I made it clear that all settlement activity is illegal and that inserting settlers into Palestinian communities in Jerusalem is particularly troubling. It leads to tensions and undermines prospects for addressing the final status of Jerusalem. Yesterday's announcement that final approval had been given to build 20 settlement units in Sheikh Jarrah is unacceptable.

In Gaza, I drove nearly a full circuit of the Strip. I saw destroyed houses and poverty, formerly functioning industrial zones and vast greenhouses lying in ruin, and a visible security presence of the de facto authorities. In Khan Younis, I met with a number of civil society and business leaders. They stressed that the closure of Gaza was morally unacceptable and counterproductive. I agree with them. "We are surviving, not living", one said.

I was briefed by United Nations staff and by Gazans on the perilous state of the water and sanitation situation; on difficulties in every sector, from fishing and agriculture to health care and manufacturing; and on the limitations on travel and basic freedoms caused by the closure.

What struck me most were the children, and what worries me most is their future. More than half of Gaza's population is under 18 years of age, and population growth rates are high. The schools of the United Nations Relief and Works Agency for Palestine Refugees in the Near East are a

symbol of the commitment of the international community to ensuring that Palestinian youth receive an education, as is their right. We need to build more schools, but lack the materials. The only cement available in substantial quantities in Gaza today is smuggled in through tunnels. Those who work with smugglers can build, but the United Nations and others who use legitimate products cannot.

I was pleased to be able to announce in Khan Younis that, after three years of closure, the Israeli Government has now approved the entry of material required to complete 151 housing units in Khan Younis, carry out a water and sanitation project in Tel El-Sultan and repair the El-Bader flour mill. Israel has also agreed to expand the list of imports to include aluminium and wood. I welcomed that decision, but would like to emphasize that this is only a first and very modest step. One hundred and fifty-one units amount to far less than 1 per cent of the needs in the shelter sector alone, to say nothing of other needs. I have informed Israel that we will come back with more far-reaching proposals.

A rocket fired from Gaza into Israel by radical elements a few days before my visit killed a civilian. During my visit to the region, there were further rocket firings. While in Gaza, I condemned rocket fire and made a public appeal for non-violence and Palestinian unity.

In Israel, I met with President Peres, Prime Minister Netanyahu, Defense Minister Barak and other senior officials. My interlocutors stressed that there was no alternative to direct talks if core issues are to be resolved. The Israelis stressed the positive steps taken by Israel, including the call for direct negotiations, the removal of

obstacles to movement, the Government's commitment to a two-State solution, and the policy of partial settlement restraint. However, the Prime Minister reiterated that Israel would not freeze construction in settlements in East Jerusalem. I stressed the need for all parties to do everything possible to facilitate proximity talks.

My Israeli interlocutor acknowledged significant progress in the West Bank by the Palestinian Authority and their readiness to do more to enable progress, while also expressing the concern that peaceful protest not turn violent and the importance of restraint on both sides.

I discussed Gaza with all my interlocutors. I called once again for the closure policy to be changed.

I met the parents of Corporal Shalit, who pointed out that their son had been denied the basic right of any prisoner — that of third-party visits.

My interlocutors expressed Israel's frustration with the situation in South Lebanon, where Israel believes that Hizbullah is rearming at an alarming rate. I understand Israel's legitimate security concerns and the importance of addressing them, along with the concerns of all parties, as efforts continue to achieve the implementation of United Nations resolutions on Lebanon. At the same time, I conveyed my belief that a genuine and viable peace process, leading to the end of the Arab-Israel conflict as envisaged in other resolutions of this Council, is the key to long-term stability in the region.

The Israeli Government also raised another regional matter — the Iranian nuclear issue. I share and appreciate Israel's

concerns. I noted that there is an international consensus to address this question and that a crucial diplomatic process is under way. I emphasized the need to approach the matter in this context.

At the Arab League summit in Sirte, I will brief Arab leaders about the Quartet meeting and my visit to the region. I will urge them to support the proximity talks. It is crucial for the Arab countries to help create a favourable atmosphere in which the talks can succeed.

Let me close by stressing four key messages that emerged from my visit. First, there is no alternative to negotiations for a comprehensive and just resolution of the conflict, and no alternative to addressing all the core issues for a two-State solution. Negotiations must start without delay.

Secondly, we must not let negotiations be disrupted by provocations. No doubt, there will be tests. The parties themselves must take steps to meet obligations and build trust. Extremists and spoilers must see that the parties are determined to press ahead.

Thirdly, the situation on the ground is crucial. There have been too many negative facts being created on the ground, and these need to stop. We need more positive facts, such as calm and restraint, reconstruction in Gaza and transformative change in the West Bank.

Fourthly, while peace is in the hands of the parties themselves, the international community must continue to play a crucial role — supportive, insistent and, at times, catalytic.

I felt a strong consensus on the way forward in Moscow, and a determination to review progress collectively and to work more closely with both parties and the region, including the Arab League. Regional support for the peace effort and a regional

approach to peace as a whole are both crucial. I will carry these messages to Libya.

Let me assure the Council of my firm commitment, and that of the United Nations as a whole, to this agenda.

## **IX. HUMAN RIGHTS COUNCIL ADOPTS RESOLUTIONS ON SELF-DETERMINATION, SETTLEMENTS, HUMAN RIGHTS VIOLATIONS, GOLDSTONE REPORT**

*On 24 and 25 March 2010 at the 41<sup>st</sup> and 42<sup>nd</sup> meetings of its thirteenth Regular session the Human Rights Council adopted five resolutions under agenda item 7 “Human rights situation in Palestine and other Arab territories.” The texts of four of these resolutions which relate to the situation in the Occupied Palestinian Territory are reproduced below, together with an indication of the vote, as contained in document A/HRC/13/56.*

### **Resolution 13/6 Right of the Palestinian people to self-determination**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

*Guided also* by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on

Civil and Political Rights, which affirm that all peoples have the right to self-determination,

*Guided further* by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular part I, paragraphs 2 and 3 thereof, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

*Recalling* General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,



*Recalling also* Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

*Recalling further* the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

*Recalling* the resolutions adopted in this regard by the Commission on Human Rights, the last of which being resolution 2005/1 of 7 April 2005,

*Reaffirming* the right of the Palestinian people to self-determination in accordance with the provisions of the Charter and relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and to establish their sovereign, independent, democratic and viable contiguous State;

2. *Also reaffirms* its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Stresses* the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;

5. *Decides* to continue the consideration of this question at its sixteenth session.

*41st meeting*

*24 March 2010*

*Adopted by a vote of 45 to 1.*

#### **Resolution 13/7**

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

*The Human Rights Council,*

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

*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

*Recalling* relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly, reaffirming, inter alia,

the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

*Mindful* that Israel is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem, and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

*Considering* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and its conclusion that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, were established in breach of international law,

*Recalling also* General Assembly resolution ES-10/15 of 20 July 2004 and other relevant United Nations resolutions,

*Affirming* that the Israeli settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, constitute very serious violations of

international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts, including the Annapolis Peace Conference of 27 November 2007 and the Paris International Donors' Conference for the Palestinian State of 17 December 2007, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

*Recalling* its attachment to the implementation by both parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict (S/2003/529, annex), and noting specifically its call for a freeze on all settlement activity,

*Expressing its grave concern* about the continuation by Israel, the occupying Power, of settlement building and expansion in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law and relevant United Nations resolutions, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State,

*Expressing its concern* that continuing Israeli settlement activity undermines the realization of a two-State solution,

*Expressing grave concern* about the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the

Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

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

*Expressing its concern* at the failure of the Government of Israel to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967,

1. *Welcomes* the Council of the European Union conclusions on the Middle East peace process of 8 December 2009, in which the European Union Council of Ministers reiterated that settlements, the separation barrier where built on occupied land, demolition of homes and evictions are illegal under international law, constitute an obstacle to peace and threaten to make a two-State solution impossible, and particularly its urgent call upon the Government of Israel to immediately end all settlement activities, in East Jerusalem and the rest of the West Bank and including natural growth, and to dismantle all outposts erected since March 2001;

2. *Welcomes with appreciation* the statements made by the majority of the States Members of the United Nations on the illegality of settlement activities in the occupied Palestinian territories, including East Jerusalem, and reaffirming the urgent calls by the international community upon

the Government of Israel to immediately stop all settlement activities, including in East Jerusalem;

3. *Deplores* the recent Israeli announcements of the construction of new housing units for Israeli settlers in and around occupied East Jerusalem, as they undermine the peace process and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law and Israeli pledges at the Annapolis Peace Conference of 27 November 2007;

4. *Condemns* the new Israeli announcement on the construction of one hundred and twenty new housing units in the Bitar Elite settlement, and one thousand six hundred new housing units for new settlers in the East Jerusalem neighbourhood of Ramat Shlomo, and calls upon the Government of Israel to immediately reverse its decision which would further undermine and jeopardize the ongoing efforts by the international community to reach a final settlement compliant with international legitimacy, including the relevant United Nations resolutions;

5. *Expresses its grave concern* at:

(a) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of

Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 of that Convention, and recalls that settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

(b) The Israeli planned settlement construction in the vicinity of the Adam settlements in the occupied West Bank, which constitutes a new settlement block;

(c) The increasing number of newly built structures, in 2008 and 2009, amounting to several thousand, including a large number of permanent buildings and structures, which undermine the efforts of the international community to advance the Middle East peace process;

(d) The so-called E-1 plan aimed at expanding the Israeli settlement of Maale Adumim and building the wall around it, thereby further disconnecting occupied East Jerusalem from the northern and southern parts of the West Bank and isolating its Palestinian population;

(e) The implications for the final status negotiations of Israel's announcement that it will retain the major settlement blocks in the Occupied Palestinian Territory, including settlements located in the Jordan Valley;

(f) The expansion of Israeli settlements and the construction of new ones on the Occupied Palestinian Territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent and would in that case be tantamount to de facto annexation;

(g) The Israeli decision to establish and operate a tramway between West

Jerusalem and the Israeli settlement of Pisgat Zeev, which is in clear violation of international law and relevant United Nations resolutions;

(h) The continued closures of and within the Occupied Palestinian Territory and the restriction of the freedom of movement of people and goods, including the repeated closure of the crossing points of the Gaza Strip, which have created an extremely precarious humanitarian situation for the civilian population as well as impaired the economic and social rights of the Palestinian people;

(i) The continued construction, contrary to international law, of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem;

(j) The latest Israeli plan to demolish hundreds of houses in occupied East Jerusalem, including its decision to demolish more than eighty-eight houses in the Al-Bustan neighbourhood of Silwan, which would result in the displacement of more than two thousand Palestinian residents of East Jerusalem, in addition to the Israeli decision to evacuate Palestinian families from their houses in the Al-Sheikh Jarrah area of East Jerusalem and to replace them by Israeli settlers;

#### 6. *Urges* Israel, the occupying Power:

(a) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including "natural growth" and related activities including in East Jerusalem;

(b) To prevent any new installation of settlers in the occupied territories, including in East Jerusalem;

7. *Urges* the full implementation of the Access and Movement Agreement of 15 November 2005, particularly the urgent reopening of Rafah and Karni crossings, which is crucial to ensuring the passage of foodstuffs and essential supplies, as well as the access of the United Nations agencies to and within the Occupied Palestinian Territory;

8. *Calls upon* Israel to implement the recommendations regarding the settlements made by the then United Nations High Commissioner for Human Rights in her report to the Commission on Human Rights at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114);

9. *Also calls upon* Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

10. *Demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice;

11. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors' Conference for the

Palestinian State and to implement fully the road map endorsed by the Security Council in resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords, the Arab Peace initiative and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

12. Decides to continue the consideration of this question at its sixteenth session.

*41st meeting*

*24 March 2010*

*Adopted by a vote of 46 to 1.*

### **Resolution 13/8**

**The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem**

*The Human Rights Council,*

*Guided by* the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

*Considering* that the promotion of respect for the obligations arising from the Charter and other instruments and rules of the international law is among the basic

purposes and principles of the United Nations,

*Affirming* the responsibility of the international community to promote human rights and ensure respect for international law,

*Acknowledging* that peace, security, development and human rights are the pillars of the United Nations system,

*Affirming* the applicability of the fourth 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,

*Recalling* the obligations of the High Contracting Parties to the Fourth Geneva Convention and reaffirming that each High Contracting Party to the Fourth Geneva Convention is under the obligation to respect and ensure respect of their obligations arising from that convention,

*Affirming* the applicability of international human rights law to the Occupied Palestinian Territory, including East Jerusalem,

*Emphasizing* that international human rights law and international humanitarian law are complementary and mutually reinforcing,

*Guided* by the right of the Palestinian people to self-determination and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter,

*Stressing* that the right to life constitutes the most fundamental of all human rights,

*Deeply concerned* at the illegal actions by Israel undermining the sanctity and inviolability of religious sites in the occupied Palestinian territories, in particular in the holy city of Jerusalem,

*Expressing* serious concern at the lack of implementation by the occupying Power, Israel, of the resolutions and recommendations of the Security Council, the General Assembly and the Human Rights Council relating to the situation of human rights in the Occupied Palestinian Territory, including East Jerusalem,

*Condemning* all forms of violence against civilians and deploring the loss of human lives in the context of the current situation,

*Recognizing* that the Israeli military attacks and operations in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, have caused severe violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts towards achieving a just and lasting peace in the region based on the two-States solution,

*Recognizing also* that the Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings, constitutes collective punishment and leads to disastrous humanitarian, economic, social and environmental consequences,

1. *Demands* that the occupying Power, Israel, end its occupation of the Palestinian land occupied since 1967, and that it respect its commitments within the peace process towards the establishment of the independent sovereign Palestinian State, with East Jerusalem as its capital, living in peace and security with all its neighbours;

2. *Strongly condemns* the Israeli military attacks and operations in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, which have resulted in the killing and injury of thousands of Palestinian civilians, including a large number of women and children;

3. *Demands* that the occupying Power, Israel, stop the targeting of civilians and the systematic destruction of the cultural heritage of the Palestinian people, in addition to the destruction of public and private properties, as laid down in the Fourth Geneva Convention;

4. *Condemns* the disrespect for religious and cultural rights provided for in core human rights instruments and humanitarian law by the occupying Power, Israel, in the occupied Palestinian territories, including its recent announcement that it would add al-Haram al Ibrahimi in Hebron and Bilal Mosque (“Tomb of Rachel”) in Bethlehem and the walls of the old city of Jerusalem to its list of national heritage sites;

5. *Demands* that Israel, the occupying Power, respect the religious and cultural rights in the occupied Palestinian territories, particularly in occupied East Jerusalem, as provided for in the Universal Declaration of Human Rights, the core international human rights instruments, the Hague Conventions and the Geneva Conventions, and that it allow Palestinian citizens and worshippers unhindered access to their properties and religious sites therein;

6. *Expresses its grave concern* at the excavation of ancient tombs and removal of hundreds of human remains from part of the historic Ma'man Allah (Mamila)

Cemetery in the holy city of Jerusalem in order to construct a “museum of tolerance”, and calls upon the Government of Israel to immediately desist from such illegal activities therein;

7. *Demands* that Israel, the occupying Power, immediately cease all diggings and excavation works beneath and around Al-Aqsa mosque compound and other religious sites in the old city of Jerusalem, and refrain from any act that may endanger the structure or foundations or change the nature of the holy sites, both Islamic and Christian, in the Occupied Palestinian Territory, particularly in and around Jerusalem;

8. *Calls for* the immediate international protection for the Palestinian people in the Occupied Palestinian Territory, in compliance with international human rights and humanitarian law, both applicable in the Occupied Palestinian Territory, including East Jerusalem;

9. *Also calls for* the immediate cessation of all Israeli military attacks and operations throughout the Occupied Palestinian Territory;

10. *Demands* that the occupying Power, Israel, immediately stop its illegal decision to demolish a large number of Palestinian houses in East Jerusalem, including in the neighbourhood area of Al-Bustan in Selwan, and the evacuation of Palestinian families in the Al-Sheikh Jarrah area of East Jerusalem, which is resulting in the displacement of more than two thousand resident Palestinians of East Jerusalem;

11. *Also demands* that the occupying Power, Israel, release Palestinian prisoners and detainees including women, children and members of the Palestinian Legislative Council;

12. *Calls upon* the occupying Power, Israel, to lift checkpoints and open all crossing points and borders according to relevant international agreements;

13. *Demands* that Israel, the occupying Power, immediately lift the siege imposed on the occupied Gaza Strip, and that it open all borders and crossing points, and allow the free access of fuel, humanitarian needs and medicine in addition to all necessary materials and equipment needed for the reconstruction and rehabilitation of Gaza as agreed upon at the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza, held in Sharm el-Sheikh, Egypt, on 2 March 2009;

14. *Decides* to continue the consideration of this question at its sixteenth session.

*41st meeting  
24 March 2010  
Adopted by a vote of 31 to 9,  
with 7 abstentions.*

**Resolution 13/9**  
**Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict**

*The Human Rights Council,*

*Recalling* its relevant resolutions, including resolution S-9/1, adopted on 12 January 2009, and resolution S-12/1, adopted on 16 October 2010, in follow-up to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict,

*Recalling also* relevant General Assembly resolutions, including resolution 64/10, adopted on 5 November 2009, and resolution 64/254, adopted on 26 February 2010, in follow-up to the report of the Fact-Finding Mission,

*Recalling further* the relevant rules and principles of international law, including international humanitarian and human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

*Recalling* the Universal Declaration of Human Rights and other international human rights instruments, including 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,

*Reaffirming* the obligation of all parties to respect international humanitarian law and international human rights law,

*Reiterating* the importance of the safety and well-being of all civilians, and reaffirming the obligation to ensure the protection of civilians in armed conflict,

*Stressing* the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to prevent impunity, ensure justice, deter further violations and promote peace,

*Convinced* that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive, just and



lasting peace and stability in the Middle East,

1. *Takes note* of the report of the Secretary-General (A/64/651), submitted pursuant to paragraph 6 of General Assembly resolution 64/10;

2. *Welcomes* the report of the Secretary-General on the status of implementation of paragraph 3 of section B of Council resolution S-12/1 (A/HRC/13/55);

3. *Also welcomes* the report of the United Nations High Commissioner for Human Rights on the implementation of Council resolutions S-9/1 and S-12/1 (A/HRC/13/54) and endorses the recommendations contained therein;

4. *Also reiterates* its call upon all concerned parties, including United Nations bodies, to ensure their implementation of the recommendations contained in the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, in accordance with their respective mandates;

5. *Further reiterates* the call by the General Assembly upon the Government of Israel to conduct investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, with a view to ensuring accountability and justice;

6. *Reiterates* the urging by the General Assembly for the conduct by the Palestinian side of investigations that are independent, credible and in conformity

with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, with a view to ensuring accountability and justice;

7. *Welcomes* the recommendation made by the General Assembly to the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to reconvene, as soon as possible, a conference of High-Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with common article 1, bearing in mind the statement adopted on 15 July 1999 as well as the reconvening of the conference and the declaration adopted on 5 December 2001, and recommends that the Government of Switzerland reconvene the above-mentioned conference before the end of 2010;

8. *Calls upon* the High Commissioner to explore and determine the appropriate modalities for the establishment of an escrow fund for the provision of reparations to the Palestinians who suffered loss and damage as a result of unlawful acts attributable to the State of Israel during the military operations conducted from December 2008 to January 2009;

9. *Decides*, in the context of the follow-up to the report of the Independent International Fact-Finding Mission, to establish a committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel

and the Palestinian side, in the light of General Assembly resolution 64/254, including the independence, effectiveness, genuineness of these investigations and their conformity with international standards;

10. *Requests* the High Commissioner to appoint the members of the committee of independent experts and to provide them with all the administrative, technical and logistic assistance required to enable them to fulfil their mandate promptly and efficiently;

11. *Requests* the Secretary-General to transmit all the information submitted by the Government of Israel and the Palestinian side pursuant to paragraphs 2 and 3 of General Assembly resolution 64/254 to the committee of independent experts;

12. *Requests* the committee of independent experts to present its report to the Council at its fifteenth session;

13. *Calls upon* the General Assembly to promote an urgent discussion on the future legality of the use of certain munitions as referred to in the report of the United Nations Independent International Fact-Finding Mission on the Gaza conflict, drawing, inter alia, on the expertise of the International Committee of the Red Cross;

14. *Requests* the Secretary-General to present a comprehensive report on the progress made in the implementation of the recommendations of the Fact-Finding Mission by all concerned parties, including United Nations bodies, in accordance with paragraph 3 of section B of resolution S-12/1, to the Council at its fifteenth session;

15. *Requests* the High Commissioner to present a report on the implementation of the present resolution to the Council at its fifteenth session;

16. *Also requests* the High Commissioner to submit to the Council, at its fourteenth session, a progress report on the implementation of the present resolution;

17. *Decides* to follow up on the implementation of the present resolution at its fifteenth session.

*42nd meeting  
25 March 2010  
Adopted by a vote of 29 to 6,  
with 11 abstentions.*

## **X. UNITED NATIONS SEMINAR ON ASSISTANCE TO THE PALESTINIAN PEOPLE, CIVIL SOCIETY MEETING CONVENED IN VIENNA**

*The United Nations Seminar on Assistance to the Palestinian People was held under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People in Vienna on 24 and 25 March 2010. The theme of the Seminar was "Building institutions and moving forward with establishing the State of Palestine". It was followed on 26 March by the United Nations Meeting of Civil Society in Support of the Palestinian People, which focussed on civil society action against the separation wall built by Israel in the Occupied West Bank, including in and around East Jerusalem. The following is Secretary-General Ban Ki-moon's message to the Seminar, delivered by Maxwell Gaylard, Deputy Special Coordinator for the Middle East Peace Process and United Nations Resident and Humanitarian Coordinator for the Occupied Palestinian Territory (press release SG/SM/12805-GA/PAL/1156)*

It is my pleasure to send greetings to the United Nations Seminar on Assistance to the Palestinian People held under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

I have just returned from a tour of the Occupied Palestinian Territory and Israel, and seen for myself the situation on the ground and the work that is being done to build the institutions of a future Palestinian State. I met with both Palestinian and Israeli leaders, and discussed the political process and the path ahead. My visit followed an important meeting of the Quartet principals in Moscow, in which the Quartet reiterated its strong commitment to the two-State solution and the need for resumed negotiations to move quickly to achieve that goal.

The situation in the Occupied Palestinian Territory remains of concern, particularly in Gaza and East Jerusalem. More than a year has passed since the end of the conflict in Gaza and southern Israel. While there has been a substantial decrease in violence, widespread civilian recovery has not yet begun in Gaza. Reconstruction of destroyed and damaged buildings and

infrastructure remains nearly impossible due to the continuing Israeli closure and the resulting lack of materials.

UNRWA [United Nations Relief and Works Agency for Palestine Refugees in the Near East] and other relief agencies in Gaza continue their work in a very challenging environment to aid those in desperate need, in particular Gaza's children and youth, who make up half the population.

While in Gaza, I was able to inform the people that the Government of Israel had approved a number of United Nations civilian recovery projects involving water and sanitation, the repair of a flour mill, the provision of containers to temporarily accommodate UNRWA schools and the completion of a United Nations housing project. The Government of Israel has also agreed to expand the list of imports into Gaza to include aluminium for window frames. It is vital that these steps be implemented as quickly as possible. The needs in Gaza are enormous and this package of recovery projects, while positive, represents only a first step. More broadly, the closure is unacceptable, unsustainable and counterproductive. As the Quartet stressed in its statement, a durable solution

requires the opening of the crossings for both humanitarian and commercial goods to and from Gaza, with measures in place to end weapons smuggling.

Palestinian actors must do their part, including by bringing an end to violence and rocket attacks, and rising above partisan interests to pursue the reunification of Gaza and the West Bank. I reiterate my condemnation of rocket fire from Gaza, which indiscriminately targets civilians, and while in Gaza I called publicly for a prisoner exchange so that Gilad Shalit and Palestinian prisoners can be released.

I also visited East Jerusalem and the West Bank. While the Israeli Government's policy of settlement restraint is a step beyond previous Governments' positions, settlements are illegal under international law and the Road Map calls for a full settlement freeze, including in East Jerusalem. I conveyed the position of the United Nations on these issues to Israel's leaders.

In recent weeks, I have also expressed my concern at a number of activities by the Israeli authorities, including an announcement concerning holy sites in the West Bank and provocative actions in East Jerusalem, such as home demolitions, evictions and the advancement of plans for new settlement construction. Such actions have sent the wrong signal as we work to restart negotiations. At this critical juncture, all sides need to observe calm, show restraint and refrain from inflammatory rhetoric.

I was pleased to see that, despite difficult political and economic circumstances, Palestinian efforts towards reform, institution-building and development have continued under the leadership of

Prime Minister [Salam] Fayyad aimed at establishing a Palestinian State. It is vital that the Palestinian Authority continue to advance this State-building agenda while striving to meet its other Road Map obligations in full, including an end to incitement against Israel.

In the West Bank, Prime Minister Fayyad showed me the vista of Area C, where the Palestinians cannot build or govern, and where the landscape is filled with illegal settlements and the barrier. The United Nations country team briefed me on the important work they are doing to bring assistance to communities isolated by the barrier or other obstacles, and to support State-building in general.

I encourage key contributors to Palestinian State-building to channel their assistance first and foremost through the Palestinian Authority's single treasury account, and to support the priorities articulated by the Palestinian Authority for 2010. I welcome recent transfers that are vital to supporting the 2010 budget, and strongly encourage those donors who have not yet done so to front-load financial support.

Palestinian reform efforts have contributed to an increase in gross domestic product of 6.8 per cent in the Occupied Palestinian Territory during 2009, according to the Palestinian Central Bureau of Statistics. Israel's lifting of restrictions and easing of movement also represents a positive step in encouraging growth in the West Bank. A further easing of restrictions that increases the predictability of movement and facilitates trade will be central to ensuring future economic growth.

Negotiations do not take place in a vacuum; the situation on the ground must

support talks. The international community remains fully committed to advancing the political process with a view to ending the occupation that began in 1967 and achieving a negotiated solution to all permanent status issues. For my part, I shall continue to

engage all concerned to realize the goal of two States, Israel and Palestine, living side by side in peace and security.

Please accept my best wishes for a successful meeting.

## **XI. SECRETARY-GENERAL URGES ARAB SUMMIT TO SUPPORT PROXIMITY TALKS**

*The following are excerpts from Secretary-General Ban Ki-moon's address to the Summit of the League of Arab States in Sirte, Libya, on 27 March 2010 (press release SG/SM/12811):*

...

Let me turn now to the Arab-Israeli conflict. I was honoured to address yesterday's meeting of the Arab League's Follow-up Committee on the Arab Peace Initiative. I told them that we share a strong commitment to the same goal: the creation of an independent Palestinian State based on an end to the occupation that began in 1967, finding a way through negotiations for Jerusalem to emerge as the capital of two States, and a just and agreed solution for the refugees.

We also share the same frustration, the same anger, at the effort to achieve this goal: negotiations that prove inconclusive; the continued creation of facts on the ground; and the suffering of the Palestinian people.

Like all of you, I was deeply dismayed when Israel advanced planning to build 1,600 housing units in East Jerusalem. There are several other recent unilateral actions as well, including decisions on holy sites in Hebron and Bethlehem, further settlement announcements, actions in places like Silwan and Sheikh Jarrah, and tensions surrounding the Al-Aqsa mosque.

On all of these, I have been publicly vocal and diplomatically active. I made publicly clear my concerns about the situation. Settlement activity is illegal and must stop. Jerusalem's significance to all must be respected, and it should emerge from negotiations as the capital of two States.

I am aware that regional confidence in the Israeli Government is very low, but there is no alternative to getting the parties to the negotiating table and testing their commitment in that framework.

Prime Minister [Benjamin] Netanyahu made personally clear to me that he is ready to discuss all issues.

I am convinced that it is in the strong interest of the Palestinians to test these claims, and to participate in talks by making positive proposals to resolve the core issues. There is no alternative to negotiations for a two-State solution.

I urge you, your majesties, your excellencies, to support efforts to start proximity talks and, eventually, these proximity talks should lead to direct

negotiations between the parties. There is no substitute for this. Our common goal should be to resolve all final status issues within 24 months.

For the United Nations, Gaza is a priority. The current situation is unacceptable and unsustainable. The closure is wrong and must end, and I have been working hard on that front. I made this message loud and clear when I visited Gaza last week. I also called publicly for non-violence, a prisoner exchange and Palestinian unity.

I thank Egypt for its important efforts for Palestinian reconciliation.

Turning to the broader regional picture, I am encouraged by the improvement in relations between Lebanon and Syria. However, I am concerned by the recent escalation of rhetoric and tension in the region. I call for restraint and for all concerned to implement Security Council resolution 1701 (2006).

The United Nations will continue to work towards comprehensive regional peace, consistent with Security Council

resolutions 242, 338, 1397, 1515 and 1850, as well as the Madrid Principles, the Road Map and the Arab Peace Initiative. I strongly encourage you to maintain support for the Arab Peace Initiative, which continues to be one of the main pillars in our search for peace.

The parameters of a solution are well known. Our challenge is to get from here to there. The parties themselves have the primary responsibility to build trust, prepare their publics for compromise and find common ground. But it is crucial for the international community and the Arab countries to help create a favourable atmosphere in which the talks can succeed. Let that be our common commitment.

In this regard, I am very concerned at the escalation of violence and loss of life yesterday in the vicinity of the Gaza border and I reiterate my appeals made during my recent visit for maximum restraint and an end to all violence, in particular at this critical time in which we are engaged in efforts to revive peace talks.

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