



## 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 THE KILLING OF FOUR ISRAELIS

*The following statement was issued on 1 September 2010 by the Spokesperson for Secretary-General Ban Ki-moon (Press release SG/SM/13080).*

The Secretary-General condemns the killing of four Israeli citizens in the West Bank on 31 August. He extends his condolences to the families of the victims and calls for the perpetrators of this crime to be promptly brought to justice.

This attack must be recognized for what it is: a cynical and blatant attempt to

undermine the direct Israeli-Palestinian negotiations starting tomorrow. Negotiations are the only way for the parties to resolve all final status issues. The Secretary-General calls upon both sides to show leadership, courage and responsibility to realize the aspirations of both peoples.

## II. VENEZUELA JOINS COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

*On 7 September 2010, the General Assembly, by its decision 64/429,<sup>1</sup> decided to add the Bolivarian Republic of Venezuela to the membership of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, as reproduced in document A/64/49 (Vol. III).*

### **64/429.**

#### **Appointment of a member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People**

At its 115<sup>th</sup> plenary meeting, on 7 September 2010, the General Assembly, on the proposal of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,<sup>1</sup> decided to enlarge the Committee and to appoint the Bolivarian Republic of Venezuela as a member of the Committee.

As a result, the Committee on the Exercise of the Inalienable Rights of the Palestinian People is composed of the following twenty-four Member States: Afghanistan, Belarus, Cuba, Cyprus, Guinea, Guyana, India, Indonesia, Lao People's Democratic Republic, Madagascar, Malaysia, Mali, Malta, Namibia, Nicaragua, Nigeria, Pakistan, Senegal, Sierra Leone, South Africa, Tunisia, Turkey, Ukraine and Venezuela (Bolivarian Republic of).

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<sup>1/</sup>A/64/906

### **III. SECRETARY-GENERAL RECEIVES INITIAL REPORT OF THE FLOTILLA PANEL**

*The following statement was issued on 15 September 2010 by the Spokesperson for Secretary-General Ban Ki-moon on the initial progress report of the Panel of Inquiry on the flotilla incident of 31 May 2010, led by former Prime Minister of New Zealand Geoffrey Palmer, as Chair, and former President of Colombia, Álvaro Uribe, as Vice-Chair (Press release SG/SM/13101).*

The Secretary-General has received the initial progress report he requested from the Panel of Inquiry on the 31 May 2010 Flotilla Incident. As expected, this first report is largely procedural in nature. Based on the two initial meetings of the Panel, held on 10-11 August and 2-3 September, the report explains to the Secretary-General the Panel's understanding of the tasks at hand and the working methods it has unanimously adopted in order to carry out its mandate. The Panel reports that proceedings have been conducted in a positive and collegial manner.

The Secretary-General noted that members of the Panel agreed unanimously that the Panel would receive and review reports of national investigations into the incident from Israel and Turkey, and where it considers that it requires further information, clarifications or meetings from Israel or Turkey, make such request to the points of contact designated by those States. The Panel reported that where it considers it necessary to obtain information from other

affected States, it may request such information through appropriate diplomatic channels. The Panel agreed that in light of the information so gathered, it would examine and identify the facts, circumstances and context of the incident and make findings and recommendations for the prevention of similar incidents in the future. The Secretary-General was heartened that the Panel unanimously reported it had the means available to it to respond to the high international concern that has been expressed concerning the flotilla incident.

The Secretary-General looks forward to the Panel's substantive treatment of the flotilla incident after it has received and been able to review reports from both Israel and Turkey on their national investigations. The Secretary-General is pleased that the Panel is now fully under way and focused on fulfilling its very important responsibilities. He is encouraged that the Panel reported it had conducted its proceedings in a positive and collegial atmosphere.

### **IV. WORLD BANK REPORTS TO AD HOC LIAISON COMMITTEE ON PROGRESS OF THE FAYYAD PLAN**

*On 16 September 2010, the World Bank submitted its economic monitoring report, entitled "The Underpinnings of the Future Palestinian State: Sustainable Growth and Institutions," to the Ad Hoc Liaison Committee, for its meeting, held on 21 September 2010 in New York. The executive summary of the report is reproduced below.*

a. The viability of a future Palestinian state will be determined by the strength of its institutions and its ability to sustain economic growth.

b. If the Palestinian Authority (PA) maintains its current performance in institution-building and delivery of public services, it is well-positioned for the establishment of a state at any point in the near future.

c. Implementation of the PA's reform agenda accelerated significantly in the first half of 2010. Spending remained within budget targets and improved collection rates resulted in higher than projected domestic tax revenue. In the first half of 2010, tax revenues were nearly 15 per cent above budget projections and 50 per cent higher than in the same period in 2009.

d. Progress on major reform initiatives strengthened the PA's fiscal position and included: (a) the merger of the European Union and World Bank funded social safety net programmes into a Palestinian National Cash Transfer Programme; (b) the approval of an Action Plan for Public Pension Reform; (c) the reduction of implicit electricity subsidies through the activation of the regulator and the northern West Bank distribution company; and (d) significant improvement in public resource management systems.

e. The West Bank economy continued to grow in the first half of 2010 and the real growth rate, combined with Gaza, is likely to reach the projected 8 per cent for the year. Some of the increase in economic activity can be attributed to improved investor confidence and the partial easing of restrictions by the Government of Israel

(GoI). The main driver of growth, however, remains external financial assistance.

f. Anecdotal evidence provides some positive signs that private investment is beginning to pick up in certain sectors. Managers in banks and loan guarantee programmes have indicated that they are being approached by more entrepreneurs seeking financing for long-term projects. Between 2008 and 2009 alone, the number of newly registered enterprises jumped by more than 38 per cent with declared capital in 2009 more than double of that in 2008 and, encouragingly, results from the first half of 2010 indicate that this year will be similar to 2009.

g. Sustainable economic growth in the West Bank and Gaza, however, remains absent. Significant changes in the policy environment are still required for increased private investment particularly in the productive sectors, enabling the PA to significantly reduce its dependence on donor aid.

h. The obstacles facing private investment in the West Bank are manifold and myriad, as many important GoI restrictions remain in place: (a) access to the majority of the territory's land and water (Area C) is severely curtailed; (b) East Jerusalem — a lucrative market — is beyond reach; (c) the ability of investors to enter into Israel and the West Bank is unpredictable; and (d) many raw materials critical to the productive sectors are classified by the GoI as "dual-use" (civilian and military) and their import entails the navigation of complex procedures, generating delays and significantly increasing costs.

i. It is still too early to assess whether the recent partial relaxation of the Gaza blockade has revived its moribund economy. In any case, the impact on the private sector will be limited while the ban on exports continues.

j. Despite its improved fiscal performance and expenditure control within budget ceilings, the PA faces a shortfall in

projected donor financing, possibly as high as US\$300-400 million by the end of the year.

k. Unless action is taken in the near future to address the remaining obstacles to private sector development and sustainable growth, the PA will remain donor dependent and its institutions, no matter how robust, will not be able to underpin a viable state.

## V. SECURITY COUNCIL BRIEFED ON MIDDLE EAST SITUATION, INCLUDING THE PALESTINIAN QUESTION

*On 17 September 2010, the Security Council heard a briefing by Robert Serry, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, 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.6388.*

...

We are at a moment of renewed hope in the search for peace in the Middle East. After months of proximity talks, Prime Minister Netanyahu and President Abbas came together on 1 and 2 September in Washington, D.C., under the auspices of President Obama and Secretary Clinton, to launch direct Israeli-Palestinian negotiations, and conducted a second round of talks on 14 September in Sharm el-Sheikh and 15 September in Jerusalem with the participation of Secretary Clinton. The Secretary-General commends the leaders on these important first steps, thanks President Obama, Secretary Clinton and Envoy Mitchell for their commitment, and welcomes the personal support to the process of President Mubarak of Egypt and King Abdullah of Jordan.

Prior to the talks, the Quartet reaffirmed on 20 August its full commitment to its previous statements, including on

19 March in Moscow, and provided that direct, bilateral negotiations that resolve all final status issues should

“lead to a settlement, negotiated between the parties, 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 also expressed its determination to support the parties throughout the negotiations, which can be completed within one year, and the implementation of an agreement.

In Washington D.C., Prime Minister Netanyahu affirmed that President Abbas was his partner for peace, while President Abbas condemned violence and stated his desire to see a permanent end to the conflict. The leaders agreed to seek a solution based

on two States for two peoples. They agreed that the negotiations could be completed within one year and that their aim was to resolve issues concerning borders, security, refugees, Jerusalem and all other core issues. They decided to meet every fortnight and to work on a framework agreement on permanent status. This would be not an interim agreement, but one that would embody the fundamental compromises necessary to achieving a comprehensive peace treaty to end the conflict and establish a lasting peace between Israel and the Palestinians, creating a democratic and viable Palestinian State alongside a secure State of Israel. In the second round of talks, the leaders began a serious discussion of the core issues.

On 31 August, as the leaders were preparing to launch negotiations, four Israelis were killed at near point-blank range while driving in a car in Area C of the West Bank. This attack was widely condemned. Hamas claimed responsibility for it and for a subsequent attack using similar methods on 1 September that injured two other Israelis. I commend the reaction of both leaders to this attack. President Abbas condemned it, and Palestinian security forces conducted interrogations and arrested four individuals allegedly involved. Prime Minister Netanyahu moved ahead with direct talks, stating that, while Israel seeks security guarantees, it will not allow terrorists to deter it from pursuing peace. It continues to be important that the parties each act to rein in extremists on their own side who will seek to undermine the political process.

I strongly remind Hamas that the path of non-violence, Palestinian unity and acceptance of basic principles of the peace process is the only one through which legitimate Palestinian aspirations can be attained.

Nine and a half months ago, Prime Minister Netanyahu commendably instituted a partial settlement restraint, which has had a positive impact on the ground. The Secretary-General joins President Obama, Secretary Clinton and European Union foreign ministers in calling for an extension of the moratorium beyond its scheduled expiry at the end of this month. Indeed, we reaffirm the United Nations position that settlements are illegal under international law and the Quartet's call on Israel to freeze all settlement activity, including natural growth, in accordance with the Road Map. We count on the continued leadership of Prime Minister Netanyahu and President Abbas to refrain from provocative actions and to work as partners to create an environment conducive to successful negotiations.

I also stress the importance of the regional context. I encourage concrete steps of support from regional countries as the process moves forward. I also encourage Israel and Syria, and Lebanon too, to respond positively to efforts to explore the way forward on the regional tracks of the peace process. All parties should work to realize the full promise of the Arab Peace Initiative.

To review progress in the Israeli-Palestinian talks and in the overall search for a just and lasting peace in the region, the Secretary-General will host Quartet principals on 21 September — next Tuesday — followed by a meeting with members of the League of Arab States Follow-Up Committee on the Arab Peace Initiative.

Members of the Ad Hoc Liaison Committee will also meet in New York on 21 September to review progress and chart the way ahead in the economic and institution-building sphere. I draw to the



Council's attention the conclusion of the World Bank in its report for the Committee's meeting that "if the Palestinian Authority maintains its current performance in institution-building and delivery of public services, it is well-positioned for the establishment of a State at any point in the near future". I strongly share that assessment.

On 29 August, the Palestinian Authority (PA) presented its "Homestretch to Freedom" document, which charts the path to the completion by August 2011 of the Palestinian Authority's two-year agenda of ensuring institutional readiness for statehood. It commits to concrete deliverables, clear roles and responsibilities, and transparency and accountability for results. It also provides direction and focus for international assistance. To sustain this agenda, the PA's recurrent budgetary needs and a mounting liquidity crisis must be urgently addressed. I welcome recent commitments from donors of additional funding and encourage further commitments in order to meet the remaining critical gap in external financing.

The World Bank and the International Monetary Fund report solid economic growth in the West Bank and Gaza this year, with growth for 2010 conservatively projected at 8 per cent. In the West Bank, private sector confidence continued to be bolstered by sound PA management and reforms supported by donor aid, improvements in security conditions, and fewer controls on the internal movement of goods and people than in early 2009. However, the World Bank warns that unless action is taken in the near future to address the remaining obstacles to private sector development and sustainable growth, the PA will remain donor-dependent and its

institutions, no matter how robust, will not be able to underpin a viable State. This means that, as the PA seeks to roll out the basis for its State, measures of occupation must be rolled back.

In this regard, we continue to urge a reduction in incursions, a further easing of obstacles to movement and the expansion of the security remit of the Palestinian Authority. The number of obstacles to movement throughout the West Bank remained roughly constant at around 500, which is about 70 fewer than at the beginning of the year. Citing security concerns, Israeli security forces injured 22 Palestinians and arrested 162 in 279 incursions in the West Bank, in which six Israeli soldiers were also injured. Today, Israeli forces killed a Hamas militant in an operation in the West Bank city of Tulkarem.

Several demolition and eviction orders are pending against Palestinian communities in Area C and we urge the Israeli authorities not to implement those orders or issue new ones.

The situation in East Jerusalem was largely quiet during the reporting period. A deplorable exception occurred on 26 August, when a reported attempt by Israeli settlers to forcefully enter a mosque in the East Jerusalem neighbourhood of Silwan triggered clashes between Palestinian demonstrators and Israeli police forces.

The status of the four Palestinian Legislative Council members from the Hamas-affiliated Change and Reform bloc remains unresolved, and we urge a sensible resolution of this unsustainable situation. While Ramadan passed in the city without major disturbances, the majority of the

Palestinian population continues to be unable to access Friday prayers at holy sites in East Jerusalem. However, access to the city was more orderly this year than in previous months of Ramadan, and on average some 80,000 people crossed the four authorized checkpoints from the West Bank into East Jerusalem on Fridays during Ramadan.

I remain heavily engaged with the parties in seeking to shift dynamics regarding Gaza, within the framework of resolution 1860 (2009). In this regard, a recent upsurge in violence is alarming and can only set back efforts to make progress in Gaza. During the reporting period, Palestinian militant groups fired 10 rockets and 22 mortars from Gaza into Israel, injuring two Israelis and hitting close to residential areas in southern Israel. Israeli forces conducted 10 air strikes and 18 incursions into Gaza, killing seven Palestinians and injuring four others. Three Palestinians also died in tunnel-related incidents.

In a tragic incident on 12 September that raises serious concerns, Israeli tank fire killed three Palestinian civilians. The Israel Defense Forces subsequently acknowledged that the three may not have been involved in militant activities. I strongly reiterate my call for full observance by all parties of their obligations regarding the protection of civilians under international humanitarian law and for observance of calm.

I am also deeply concerned at the continued denial of the basic human rights of Israeli Staff Sergeant Shalit, to whom no international access has been granted despite more than four years in solitary detention. We reiterate our call for access and for his release.

During the reporting period, an average of 988 truckloads entered Gaza from Israel per week — a slight decrease over the previous period and about half of the weekly levels before June 2007. Most imports were food items, but some raw materials and machinery used by industries also entered. Movement of people remained severely restricted. Tunnel trade has dropped in items being provided through Israeli crossings, but continues in other items. Egypt continued its effort to counter the smuggling of weapons, closing a number of tunnels, uncovering militant structures and missiles in the Sinai, and making arrests. The Rafah crossing remained open for humanitarian purposes and transfer to other countries for foreign visa holders and for religious pilgrimage.

The partial easing of the Israeli blockade has helped generate 16 per cent growth in Gaza in the first half of this year. There are now 1,365 industrial establishments operating in Gaza, up from 117 in 2008, but still only a third of the 3,900 that were operating before June 2007. While some progress has therefore been made, restrictions on the entry of construction materials and on exports are severely limiting private reconstruction and the revival of the private sector. I believe that it is possible and desirable for more to be done to ease these constraints, as well as to enable Gazans to move more freely, consistent with legitimate Israeli security concerns. I continue to support efforts to enhance the presence of the Palestinian Authority at crossings.

I am pleased that genuine headway has been made in approvals of international projects in Gaza, and I appreciate Israel's cooperation in this regard. Israel approved \$100 million of construction works in Gaza

in the first six months of 2010, just under \$60 million of which were for United Nations projects. Since the announcement of its revised policy on Gaza in June, Israeli authorities have approved 31 further construction projects, including \$15 million for projects of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

The United Nations continues to consult closely with the Palestinian Authority on priority areas of work necessary in Gaza, and has now presented to the Government of Israel a 12-month programme of construction and reconstruction work worth \$250 million. I expect that this programme of work will receive timely approval by the Israeli authorities and that the procedures for the entry of material will be simplified to enable implementation.

Regarding the cargo from three vessels of the 31 May flotilla, arrangements have now been finalized for the use of the construction materials in United Nations projects in Gaza. I underscore the exceptional nature of this arrangement. We continue to believe that the appropriate way to meet needs in Gaza is through legitimate crossings.

The United Nations has actively supported local efforts to resolve internal Palestinian differences over electricity revenue collection, which have been causing heavy electricity shortages. Following an understanding reached last month, revenues collected from electricity bills have been transferred to the Palestinian Authority to purchase fuel for the Gaza power plant. As a result, power cuts were reduced by about a half.

I am concerned at the purported approval of legislation by the de facto authorities in Gaza that will undermine the independence of a national human rights institution operating in Gaza. Since the last monthly briefing to the Council (see PV.6340), the Secretary-General's Panel of Inquiry on the 31 May 2010 flotilla incident has convened for the second time, on 2 and 3 September. On 15 September, the Secretary-General received the initial progress report he requested from the Panel. This report was largely procedural in nature, explaining the Panel's understanding of the tasks at hand and the working methods it has unanimously adopted in order to carry out its mandate.

The Panel indicated that it had received an interim report with annexes and related material from Turkey on the progress with respect to its national investigation. The Panel agreed that it would discuss and review the interim reports, once it had also received a report from Israel. The Secretary-General stated that he looked forward to the Panel's substantive treatment of the flotilla incident. He was encouraged that the Panel reported that it had conducted its proceedings in a positive and collegial atmosphere.

...

The amendments to the employment legislation adopted by the Lebanese Parliament on 17 August represent a step in the right direction in terms of providing Palestinians in Lebanon with greater rights. The United Nations looks forward to the practical application of those new entitlements, under the leadership of the Lebanese Ministry of Labour. The changes, although crucial, will need to be complemented by further steps to lift Palestinians out of poverty.

Funding shortfalls for the reconstruction of the Nahr el-Bared camp remain an issue of serious concern, with 64 per cent of the total funds needed for the complete reconstruction of the camp still outstanding. We urge donors to remain committed to providing generous financial support for the reconstruction efforts, as well as for UNRWA's work throughout the region.

Let me now conclude. With renewed peace talks, the opportunity is great and the stakes are high. Making peace will not be easy and carries risks, but the dangers of not

trying are much graver. Both leaders have shown that they recognize that. Having summoned the courage to begin, they must now sustain the courage to progress and find the wisdom and statesmanship to lead their Governments and peoples to a peace agreement.

Our collective task is to support those negotiations and maximize prospects for success. The international consensus is and must remain strongly behind that process to ensure that it is seen through to the end. The Secretary-General will continue to fully discharge his responsibilities in that regard.

## **VI. SECRETARY-GENERAL REPORTS ON PEACEFUL SETTLEMENT OF THE PALESTINE QUESTION**

*The report A/65/380-S/2010/484 was submitted by the Secretary-General on 17 September 2010 in accordance with General Assembly resolution 64/19 and covered the developments during the period from September 2009 through August 2010. The observations of the Secretary-General are reproduced below.*

### **II. Observations**

6. During the reporting period, efforts intensified to achieve the peaceful settlement of the question of Palestine. Direct Israeli-Palestinian negotiations, discontinued in December 2008, were set to resume on 2 September 2010. On the ground, unilateral actions and human rights violations continued to undermine diplomatic efforts. The situation in Gaza remained unsustainable, while the divide between Gaza and the West Bank continued to deepen.

7. On 21 September 2009, the President of the United States of America, Barack Obama, hosted the first meeting between Palestinian and Israeli leaders since 2008.

On 23 September 2009, the President addressed the General Assembly (see A/64/PV.3) and presented his goal of urgently starting talks, without preconditions, on the key issues of security for Israelis and Palestinians, borders, refugees and Jerusalem. Since then, the United States Special Envoy, George Mitchell, has regularly visited the region in an effort to bring about a resumption of negotiations. The Middle East Quartet and I welcomed and supported this engagement throughout the reporting period.

8. However, there was an overall impasse in diplomatic efforts from November 2009 to January 2010. This reflected the frustrations and low confidence of the parties in the renewed process; disputes over the terms of

reference for negotiations; continued creation of facts on the ground by Israel; tensions in Jerusalem and the West Bank; and continued violence and closure in Gaza.

9. In February 2010, Senator Mitchell proposed to the parties to facilitate proximity talks. Israel accepted this proposal. Affected by internal political challenges, the Palestinian side turned to the League of Arab States for backing, and subsequently agreed to the proximity talks. However, the announcement on 9 March of additional settlement construction in East Jerusalem, during a visit to Israel by Vice-President Joseph R. Biden of the United States, caused a major setback, and highlighted the problems created by Israel's continued policy of illegal settlement construction.

10. The Quartet Principals' meeting in Moscow on 19 March focused on efforts to overcome obstacles and move the process forward. The Quartet urged the parties to launch proximity talks and move to direct negotiations as soon as possible, which should lead to a negotiated settlement within 24 months that would end the occupation which began in 1967 and result 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 parties were called upon to act in accordance with international law and the road map, and refrain from provocative actions and inflammatory rhetoric. The Quartet agreed to closely monitor developments and consider additional measures that might be necessary.

11. Directly from the Quartet meeting, I visited Israel and the Occupied Palestinian Territory on 20 and 21 March, where I urged the Israeli leadership to refrain from actions that could undermine trust and prevent the

launch of the proximity talks. I urged the Palestinian Authority to enter the proximity talks and give this process a chance.

12. On 26 and 27 March, I attended the League of Arab States Summit in the Libyan Arab Jamahiriya, where I emphasized that the goal of the creation of an independent Palestinian State could be brought about only through a return to the negotiating table and testing the parties' commitments in that framework. I reiterated to President Mahmoud Abbas my own and the Quartet's support for the talks. The Arab leaders conditioned their support for Palestinian participation on the outcome of the efforts by the United States to create conditions conducive to the success of the talks. However, tensions on the ground again delayed the start of the proximity talks.

13. On 1 May, the League of Arab States reaffirmed its support for the Palestinian participation in the proximity talks, but conditioned it to progress within four months. On 8 May, the Executive Committee of the Palestine Liberation Organization (PLO) agreed to enter the talks. President Obama reaffirmed that both parties would be held accountable for actions that would undermine trust during the talks. Senator Mitchell started shuttling between Ramallah and Jerusalem to build support for the start of direct negotiations, holding seven rounds of proximity talks in total.

14. On 6 July, following a meeting with Prime Minister Benjamin Netanyahu, President Obama expressed confidence in Israel's intentions to engage in negotiations on all core issues and hoped that direct negotiations would start within weeks. On 29 July, the Arab League lent its support to the Palestinians to enter direct negotiations at a point deemed appropriate by President Abbas.

15. On 20 August, the Quartet called on the parties to launch direct negotiations in Washington, D.C., on 2 September to resolve all final status issues. In parallel, the United States issued an invitation to the parties. Prime Minister Netanyahu and President Abbas responded positively. I welcomed this decision by the two leaders and called upon them to show leadership, courage and responsibility to realize the aspirations of their peoples. I stressed that this was an opportunity that must not be wasted.

16. The situation in occupied East Jerusalem remained tense and continued to impact the peace process. I have expressed concern at house demolitions and continued settlement construction in East Jerusalem. The reporting period witnessed disturbances in and around the Haram al-Sharif/Temple Mount compound and access restrictions for Muslim and Christian worshippers to holy sites. Reports of increased revocations of identity cards and the enactment of revised military orders on the expulsion of “infiltrators” contributed to the apprehension of the Palestinian residents of East Jerusalem. Archaeological excavations and tunnelling activities under Palestinian neighbourhoods continued and raised concerns among Palestinian residents. I appeal to all sides to exercise restraint. Jerusalem is a final status issue and a way should be found for the city to emerge as the capital of two States, with arrangements for the religious sites acceptable to all.

17. In June, expulsion orders were issued against four Palestinian legislators who were residents of Jerusalem, but had been members of the Hamas-affiliated Change and Reform bloc and imprisoned in 2006 for failing to meet the minimum loyalty criteria in Israel.

18. In the West Bank, the Palestinian Authority continued to implement a state-building agenda. Institutional reforms, improved security conditions and the resulting increased private sector confidence contributed to a solid economic recovery, evidenced by real GDP growth of 11.3 per cent in the West Bank in the first quarter of 2010. Most recently, the second Palestinian Investment Conference, held on 2 and 3 June in Bethlehem, attracted almost US\$ 1 billion in pledged investments in Palestinian businesses.

19. The state-building agenda of the Palestinian Authority, under the leadership of Prime Minister Fayyad, is an important complement to a renewed political process. It must be enabled and supported. I call on donors to provide timely assistance to sustain this agenda and also to fulfil their pledges made in Sharm el-Sheikh in March 2009. I also call on Israel to do more to ease restrictions on movement and take steps to facilitate economic growth in the West Bank. The current number of obstacles to movement is approximately 500, compared to 618 in August 2009. This is movement in the right direction, which has had a real positive impact on the lives of many Palestinians, but I strongly encourage the Government of Israel to build on these positive steps with more far-reaching measures.

20. As the Palestinian Authority makes progress in institution-building, it remains constrained by the occupation and settlement activity, which stifle space and opportunities of the Palestinian people. I welcomed as a step in the right direction the announcement by Israel, on 26 November 2009, of a 10-month restraint on new construction in settlements, which was aimed at encouraging direct Israeli-Palestinian negotiations. How-

ever, I also noted that this restraint policy fell short of Israel's commitments under the road map to freeze all settlement activity, including "natural growth", and to dismantle outposts erected since March 2001. Settlements are illegal, they cast doubt on the viability of the two-State solution and prejudice the final status issues.

21. I appreciate the continued efforts of the Quartet's Special Representative, Tony Blair, to support continued economic development in the Occupied Palestinian Territory. I encourage the parties to work with him to bring about transformative change on the ground.

22. Violence in the West Bank, including East Jerusalem, continued. The causes, among others, were Israeli security operations, mistrust between the communities, deep-rooted grievances, retaliation against Palestinians following the implementation of the settlement restraint, and unilateral acts deemed to be provocative. In total, 15 Palestinians were killed and 1,092 injured. Seven Israelis were killed, four of whom were killed on 31 August in an obvious attempt to undermine the launch of direct Israeli-Palestinian negotiations on 2 September 2010, which I condemned; Hamas claimed responsibility for this attack. During the reporting period, 205 Israelis were injured. There was a slight decrease of Israeli incursions and arrests in the West Bank; 247 settler attacks on Palestinians and their property, and 93 Palestinian attacks on settlers were recorded during the reporting period. I condemn all attacks that indiscriminately target civilians and I call for international humanitarian law to be upheld in all circumstances. I urge the parties to seek out those responsible for all such incidents and bring them to justice.

23. Both Israelis and Palestinians have legitimate security concerns. I believe that sustainable security will best be achieved by intensified cooperation, continued empowerment of the Palestinian Authority's security efforts and performance, further curtailment of Israel Defense Forces (IDF) incursions into Palestinian areas, full respect for legitimate non-violent protest, Israeli action to curb settler violence, Palestinian action against incitement, and progress in the political negotiations and economic development.

24. Although attempts at holding presidential, legislative and municipal elections did not materialize during the reporting period, I still hope that it will be possible in the near future to hold free and fair elections throughout the Occupied Palestinian Territory.

25. Contrary to the 9 July 2004 advisory opinion of the International Court of Justice, the barrier continues to deviate 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 General Assembly resolution ES-10/17 of 15 December 2006, on 19 July 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. Palestinian, Israeli and foreign protesters continued demonstrating against the barrier, mostly in Nil'in and Bil'in villages, and there have been clashes with Israeli security forces. I regret the detention of activists involved in peaceful protests.

26. The Gaza Strip remained subject to a regime of closures and under the de facto control of Hamas. Security Council resolution 1860 (2009) continued to provide a strategic framework for addressing this situation, but its key elements remained unfulfilled. The blockade on Gaza remained unacceptable and punished innocent civilians. I have consistently urged the Government of Israel to lift it, and I welcomed the measures announced by Israel in June and July to ease it. As efforts are made to relaunch a meaningful political process, the situation in Gaza cannot be left to further deteriorate. Israel's legitimate security concerns should also be addressed.

27. Addressing dire conditions of the civilian population in the Gaza Strip remained my priority during the reporting period. The United Nations engaged intensively with the Government of Israel, and within the Middle East Quartet, to promote reconstruction. On 21 March I visited Gaza, where I witnessed first-hand the immense reconstruction needs, the impact of the closure on the civilian population and the unsustainable nature of the situation there. The Quartet continued to reaffirm that the situation in Gaza was unsustainable, unacceptable, and not in the interests of any of those concerned. The Quartet called for a solution that would ensure the opening of the crossings to allow for the unimpeded flow of humanitarian aid, commercial goods and persons to and from Gaza, consistent with Security Council resolution 1860 (2009).

28. Since March, Israel approved 15 United Nations projects in housing, water, sanitation, education and health. These projects are an important step forward but represent only a fragment of the vast reconstruction needs in Gaza, which I

personally witnessed during my visit in March. The implementation of the approved United Nations projects has, however, been slow, and we continue to advocate for lighter approval and coordination procedures to allow for rehabilitation and reconstruction at a more appropriate scale.

29. Food and medical supplies made up the bulk of imports allowed through the official crossings. But this situation changed dramatically after the 31 May "Gaza aid flotilla" incident; Israel announced measures to ease the blockade on 20 June. The weekly average of imported truckloads reached 1,006 in mid-August 2010, compared to 531 truckloads during the same period in 2009. Construction materials needed to rebuild homes and social infrastructure are allowed for projects implemented under the oversight of international organizations and approved by the Palestinian Authority and the Government of Israel. Exports, so needed for economic development, are not part of the new measures. Nor can construction materials be imported on a commercial basis, available to all. Nevertheless, the Quartet welcomed this announcement and expressed hope that this move would contribute to the fulfilment of resolution 1860 (2009), including for the unimpeded flow of humanitarian aid, commercial goods and persons to and from Gaza. The United Nations and the Quartet are following closely the implementation of these measures, while exploring additional ways to improve the situation in Gaza.

30. I continued to be alarmed by reports of smuggling of weapons into Gaza during the reporting period. Increased-capability rockets have reportedly been test-fired from Gaza. In this regard, I note Egypt's intensified efforts to curtail smuggling through illegal tunnels. The tunnels also



continued to be used to import most of the goods available on Gaza's markets. This both sustained and distorted the local economy.

31. The blockade continued to impede freedom of movement of Gazan civilians. Although passage to and from Egypt and Israel through the Rafah and Erez crossings has been significantly relaxed since June, the movement of people is still limited largely to medical cases, some students and humanitarian workers. In a positive development, the number of businessmen allowed to exit through the Erez crossing has steadily increased since June and reached 99 per week as at 31 August.

32. All crossings into Gaza should be urgently opened, consistent with the Agreement on Movement and Access. The longer-term consequences of the closure are deeply worrying, in terms of deteriorating public infrastructure, environmental degradation, destruction of livelihoods and psychological impact on a population half of whom are children.

33. The reporting period witnessed two attempts to break the Gaza blockade. The "Viva Palestina — Lifeline 3" convoy entered the Gaza Strip through Egypt in January, amid confrontations between Egyptian authorities, convoy activists, Gaza residents and Hamas militants, in which an Egyptian border guard was killed and dozens of protesters and Egyptian police were injured. On 31 May, a tragic incident took place during the takeover by the Israeli military of the *Mavi Marmara* vessel which was part of the "Gaza aid flotilla". I immediately condemned the acts, which resulted in the deaths of nine civilians and injuries to at least 30 others, including seven

IDF soldiers. I called for a prompt, impartial, credible and transparent investigation.

34. During its emergency session immediately following this incident, the Security Council called for a prompt, impartial, credible and transparent investigation conforming to international standards (S/PRST/2010/9). On 2 August, I launched a panel of inquiry on the flotilla incident. The United Nations was also instrumental in ensuring that all supplies delivered by the flotilla reached their destination in Gaza, and closely monitored the repatriation of the flotilla passengers and vessels.

35. A Libyan-sponsored vessel, carrying aid for Gaza, arrived in an Egyptian port without incident on 15 July. Egypt facilitated the transfer of its humanitarian cargo to Gaza. There were reports of other ships intending to sail towards Gaza. I continued to believe that only properly functioning open land crossings could make a strategic difference in reviving the economy in the Gaza Strip.

36. Turning to internal dynamics in the Gaza Strip, Hamas continued to strengthen control, thus further deepening the rift with the West Bank. There were reports of increasing human rights abuses and political arrests. On 15 April, Hamas illegally and unacceptably executed prisoners without proper and transparent trial. I called on Hamas not to carry out such executions. International and civil society organizations in Gaza have faced increasing pressure. In May and June, acts of vandalism were committed against the summer camps of the United Nations Relief and Works Agency, which I condemned in the strongest terms. I insist on non-interference with international aid operations in Gaza.

37. Hamas continued to refuse the proposal for Palestinian reconciliation mediated by Egypt and presented to the parties on 10 September. Although the reporting period witnessed practical efforts at cooperation and goodwill gestures by Hamas and the Palestinian Authority, stalemate continued. I stress that Palestinian unity is a key component to finding a sustainable solution to the crisis in Gaza. I reiterate my call for the reunification of Gaza and the West Bank on the basis of the PLO principles and under the legitimate Palestinian Authority, and urge all factions to engage positively in dialogue. I support Egypt's efforts in this regard.

38. A fragile calm between Israel and Hamas prevailed during the reporting period. However, violent incidents continued: 147 rockets and 115 mortars were fired from Gaza; there were 173 IDF incursions and 100 air strikes; 56 Palestinians were killed, including 5 children and 39 militants; and 169 Palestinians were injured, including 40 militants. Meanwhile, a foreign worker in Israel was killed, as well as five Israeli soldiers. Five Israeli soldiers were injured. On 30 July, a rocket hit inside the town of Ashkelon in southern Israel, the first such attack since Operation Cast Lead. I urge all parties to refrain from violence and to respect international humanitarian law.

39. Israeli Staff Sergeant Gilad Shalit remains in Hamas captivity, now for over four years. I call for his immediate and unconditional release and humanitarian access to him. I also note the deteriorating living conditions for the approximately 9,000 Palestinian prisoners in Israeli jails, down from 11,000 a year ago. In October, Israel released 20 Palestinian female detainees after Hamas presented, through a German mediator, a video clip showing

Shalit in good health. I welcomed these developments, and call for the completion of a prisoner exchange agreement and the release of Palestinian prisoners to the Palestinian Authority.

40. The Fact-Finding Mission on the Gaza Conflict mandated by the Human Rights Council and headed by Justice Richard Goldstone released its report on 25 September 2009 (A/HRC/12/48). The report made a number of recommendations for ensuring accountability for perpetrators and redress for victims. International humanitarian law, justice and accountability must be fully respected and civilians must be protected in all circumstances. I therefore called upon all parties to carry out credible domestic investigations without delay. The General Assembly and its Human Rights Council continued to follow the implementation of the recommendations of the Fact-Finding Mission. I will continue to support their work in this regard.

41. On 15 January, an arrangement was concluded whereby the Government of Israel made a payment of US\$ 10.5 million to the United Nations in respect of losses sustained in the nine incidents investigated by the Gaza Board of Inquiry. In the light of this payment, the United Nations has agreed that the financial issues relating to those incidents have been brought to a satisfactory conclusion.

42. I would like 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, Filippo Grandi, whom I appointed on 20 January. He replaced Karen Koning AbuZayd, whom I thank for her outstanding performance. I express my appreciation to all United

Nations staff who provide indispensable services under difficult and sometimes dangerous circumstances. National and international staff 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.

43. I remain convinced that direct and meaningful negotiations are the only avenue towards a comprehensive and sustainable solution that fulfils the aspirations of the Israeli and the Palestinian peoples. In the days ahead, we must make sufficient progress at the negotiating table and on the ground to enable a move towards an agreement on all core issues of the conflict. The commitments of both Israeli and Palestinian leaders will be tested during direct negotiations. I call upon the parties to seize this opportunity and show leadership, courage and responsibility to arrive at a final status agreement within one year. For these negotiations to have a chance of success, a conducive environment on the ground will

be crucial, in line with the parties' respective road map commitments and international legal obligations. I urge Israel to extend its moratorium on settlement construction in the West Bank past its 30 September 2010 deadline, and to expand its scope to East Jerusalem. I call on the Palestinians to continue maintaining law and order, fighting extremism and incitement against Israel, and building strong and democratic institutions. I call on regional and international partners to lend their support to these negotiations, and look forward to their success.

44. As Secretary-General, I will continue to ensure that the United Nations works towards the creation of an independent, democratic, contiguous and viable Palestinian State living side by side in peace with a secure Israel in the framework of a comprehensive regional settlement consistent with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1860 (2009), and in accordance with the road map, the Arab Peace Initiative and the principle of land for peace.

## VII. QUARTET URGES CONTINUATION OF SETTLEMENT MORATORIUM

*The following statement was issued on 21 September 2010 by the Quartet (United Nations, Russian Federation, United States, European Union), meeting at the principals' level in New York (Press release SG/2162).*

The Quartet expressed its strong support for the resumption of Israeli-Palestinian negotiations, which can resolve all final status issues within one year. The Quartet reaffirmed its full commitment to its previous statements, which provide that negotiations should lead to an agreement that ends the occupation that began in 1967 and results in the emergence of an independent, democratic, contiguous and

viable Palestinian State living side by side in peace and security with Israel and its other neighbours. The Quartet also confirmed its determination to support the parties throughout the negotiations and in the implementation of an agreement.

Noting that mutual trust and confidence are critical to successful negotiations, the Quartet reiterated its call on

Israel and the Palestinians to promote an environment conducive to progress, including by refraining from provocative actions and inflammatory rhetoric. The Quartet noted that the commendable Israeli settlement moratorium instituted last November has had a positive impact and urged its continuation. The Quartet recalled that unilateral actions by either party, including settlement activity, cannot prejudice the outcome of negotiations and will not be recognized by the international community. The Quartet called upon both sides to fulfil their obligations under the Road Map. The Quartet encouraged the parties to work together to find a way to ensure that negotiations continue in a constructive manner and urged the international community to support their efforts.

The Quartet underscored its commitment to a just, lasting and comprehensive Middle East peace, including Israeli-Syrian and Israeli-Lebanese agreements. In the spirit of the Arab Peace Initiative, the Quartet called on Arab States to support Israeli-Palestinian negotiations and progress on the other tracks by taking bolder steps to foster positive relations throughout the region and to combat violence and extremism.

Recalling that change on the ground is integral to peace, the Quartet reaffirmed its support for the Palestinian Authority's August 2009 plan for building the institutions of a Palestinian State within two years. The Quartet commended the significant progress towards that goal as reported by international institutions to the 21 September 2010 meeting of the Ad Hoc Liaison Committee. The Quartet took particular note of the statement in the Economic Monitoring Report of the World

Bank that: "If the Palestinian Authority maintains its current performance in institution-building and delivery of public services, it is well-positioned for the establishment of a State at any point in the near future."

The Quartet called for Israel to take further steps to facilitate Palestinian state-building and economic growth. The Quartet welcomed measures Israel has already taken to improve day-to-day life for Palestinians, including the easing of restrictions on movement in the West Bank and improved Gaza access, and commended the work of the Quartet Representative in helping to achieve that change. The Quartet further called upon Arab States and the international community to provide immediate and sustained support for the Palestinian Authority.

The Quartet reaffirmed that the current situation in Gaza is not in the interests of Palestinians or Israelis and restated its desire to see progress on the implementation of all aspects of Security Council resolution 1860 (2009). Reconfirming its statement of 21 June 2010, the Quartet welcomed the significant shift in Israel's Gaza policy since June 2010 and called for further efforts by all concerned to ensure the unimpeded flow of humanitarian aid, commercial goods and persons to and from Gaza and to address Israel's legitimate security concerns. The Quartet also took positive note of approvals of United Nations and other international projects in Gaza and expressed its desire to see further progress in the near future. The Quartet reiterated its support for efforts to restore Palestinian unity based on the commitments of the Palestine Liberation Organization.

The Quartet condemned in the strongest possible terms continuing violence against Israeli and Palestinian civilians, in particular the 31 August 2010 attack near Hebron, for which Hamas claimed responsibility while threatening additional attacks. The Quartet urged a complete halt to all violence and reiterated its call on all parties to ensure the protection of civilians and to respect international humanitarian and human rights law. The Quartet reiterated its call for the immediate release of Israeli soldier Gilad Shalit.

The Quartet committed to remain actively involved on all tracks and to encourage and review progress. The Quartet agreed to meet regularly and to task the envoys and the Quartet Representative 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 reaffirmed its support, in consultation with the parties, for an international conference in Moscow at the appropriate time, concurrent with direct negotiations.

### **VIII. SECRETARY-GENERAL URGES ISRAEL TO FREEZE SETTLEMENTS**

*The following statement was issued on 27 September 2010 by the Spokesperson for United Nations Secretary-General Ban Ki-moon (Press release SG/SM/13150).*

The Secretary-General recalls the Quartet statement of last week which reflected the united call of the international community urging Israel to extend the settlement restraint policy. He is disappointed that no such decision has yet been taken and concerned at provocative actions taking place on the ground. He reiterates that settlement activity in the

Occupied Palestinian Territory, including East Jerusalem, is illegal under international law, and urges Israel to fulfil its Road Map obligation to freeze settlement activity. The Secretary-General supports ongoing efforts to find a way to continue peace talks in an environment conducive to progress. This is the only route to a viable Palestinian state living in peace with a secure Israel.

### **IX. HUMAN RIGHTS COUNCIL ADOPTS RESOLUTION ON GAZA FLOTILLA INCIDENT**

*On 27 September 2010, Chair-Rapporteur of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights laws, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance, established pursuant to Human Rights Council resolution 14/1 of 2 June 2010, Justice Karl Hudson-Phillips, presented the mission's report (A/HRC/15/21) to the Human Rights Council. On 29 September 2010, the Council adopted resolution 15/1 on the follow-up to the mission's findings. The conclusions of the report and the text of the resolution are reproduced below, together with an indication of the vote.*

**Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance**

....

**V. Conclusions**

260. The attack on the flotilla must be viewed in the context of the ongoing problems between the Government of Israel and the Palestinian Authority and people. In carrying out its task, the Mission was exposed to the depth of conviction on both sides of the correctness of their respective positions. Similar disasters are likely to reoccur unless there is a dramatic shift in the existing paradigm. It must be remembered that might and strength are enhanced when attended by a sense of justice and fair play. Peace and respect have to be earned, not bludgeoned out of any opponent. An unfair victory has never been known to bring lasting peace.

261. The Mission has come to the firm conclusion that a humanitarian crisis existed on the 31 May 2010 in Gaza. The preponderance of evidence from impeccable sources is too overwhelming to come to a contrary opinion. Any denial of this cannot be supported on any rational grounds. One of the consequences flowing from this is that for this reason alone the blockade is unlawful and cannot be sustained in law. This is so regardless of the grounds on which one seeks to justify the legality of the blockade.

262. Certain results flow from this conclusion. Principally, the action of the

Israel Defense Forces in intercepting the *Mavi Marmara* on the high seas in the circumstances and for the reasons given was clearly unlawful. Specifically, the action cannot be justified in the circumstances even under Article 51 of the Charter of the United Nations.

263. Israel seeks to justify the blockade on security grounds. The State of Israel is entitled to peace and security like any other. The firing of rockets and other munitions of war into Israeli territory from Gaza constitutes serious violations of international law and of international humanitarian law. But any action in response which constitutes collective punishment of the civilian population in Gaza is not lawful in any circumstances.

264. The conduct of the Israeli military and other personnel towards the flotilla passengers was not only disproportionate to the occasion but demonstrated levels of totally unnecessary and incredible violence. It betrayed an unacceptable level of brutality. Such conduct cannot be justified or condoned on security or any other grounds. It constituted a grave violation of human rights law and international humanitarian law.

265. The Mission considers that several violations and offences have been committed. It is not satisfied that, in the time available, it has been able to compile a comprehensive list of all offences. However, there is clear evidence to support prosecutions of the following crimes within the terms of article 147 of the Fourth Geneva Convention:

- Wilful killing;
- Torture or inhuman treatment;

- Wilfully causing great suffering or serious injury to body or health.

The Mission also considers that a series of violations of Israel's obligations under international human rights law have taken place, including:

- Right to life (art. 6, International Covenant on Civil and Political Rights);

- Torture and other cruel, inhuman or degrading treatment or punishment (art. 7, International Covenant; Convention against Torture);

- Right to liberty and security of the person and freedom from arbitrary arrest or detention (art. 9, International Covenant);

- Right of detainees to be treated with humanity and respect for the inherent dignity of the human person (art. 10, International Covenant);

- Freedom of expression (art. 19, International Covenant).

The right to an effective remedy should be guaranteed to all victims. The mission must not be understood to be saying that this is a comprehensive list by any means.

266. The Mission notes that the retention by the Israeli authorities of unlawfully seized property remains a continuing offence and Israel is called upon to return such property forthwith.

267. The perpetrators of the more serious crimes, being masked, cannot be identified without the assistance of the Israeli authorities. They reacted in a violent manner when they thought that anyone was

attempting to identify them. The Mission sincerely hopes that there will be cooperation from the Government of Israel to assist in their identification with a view to prosecuting the culpable and bringing closure to the situation.

268. The Mission is aware that this is not the first time that the Government of Israel has declined to cooperate with an inquiry into events in which its military personnel were involved. On this occasion the Mission accepts the assurances of the Permanent Representative of Israel that the position which he was directed to defend was in no way directed towards the members of the Mission in their personal capacities. It is nonetheless regrettable that, on yet another occasion of an enquiry into events involving loss of life at the hands of the Israeli military, the Government of Israel has declined to cooperate in an inquiry not appointed by it or on which it was significantly represented.

269. The Mission regrets that its requests to the Permanent Mission of Israel for information were not entertained. The reason initially given was that the Government of Israel had established its own independent panel of distinguished persons to investigate the flotilla incident. The Mission was told that for that reason, and also because the Secretary-General had announced the establishment of another distinguished panel with a similar mandate, that "an additional Human Rights Council initiative in this regard [are] both unnecessary and unproductive".

270. The Mission did not agree with that position and for that reason suggested to the Permanent Representative of Israel that he should direct to the Council and not the Mission a request that the Mission defer

submitting its report to permit other enquiries to complete their tasks. The Mission has not received any direction from the Council to date and considers that it would have been obligated to respond positively to any such directive from the Council.

271. In the light of the fact that the Turkel Committee and the Secretary-General's panel have not concluded their sittings, the Mission will refrain from any remarks which are capable of being construed as not allowing those bodies to complete their tasks "unfettered by external events". The Mission confines itself to the observation that public confidence in any investigative process in circumstances such as the present is not enhanced when the subject of an investigation either investigates himself or plays a pivotal role in the process.

272. Elsewhere in this report the Mission has referred to the fact that it found it necessary to reinterpret its mandate because of the manner in which the resolution appointing it was couched. It is important in the drafting of matters of the sort that the impression is not given of the appearance of any prejudice. The Mission took particular care at the first opportunity to indicate that it interpreted its mandate as requiring it to approach its task without any preconceptions or prejudices. It wishes to assure all concerned that it has held to that position scrupulously.

273. All the passengers on board the ships comprising the flotilla who appeared before the Mission impressed the members as persons genuinely committed to the spirit of humanitarianism and imbued with a deep and genuine concern for the welfare of the inhabitants of Gaza. The Mission can only express the hope that differences will be

resolved in the short rather than the long term so that peace and harmony may exist in the area.

274. Nine human beings lost their lives and several others suffered serious injuries. From the observations of the Mission, deep psychological scars have been inflicted by what must have been a very traumatic experience not only for the passengers but also the soldiers who received injuries. The members of the Mission sympathize with all concerned and in particular with the families of the deceased.

275. The Mission is not alone in finding that a deplorable situation exists in Gaza. It has been characterized as "unsustainable". This is totally intolerable and unacceptable in the twenty-first century. It is amazing that anyone could characterize the condition of the people there as satisfying the most basic standards. The parties and the international community are urged to find the solution that will address all legitimate security concerns of both Israel and the people of Palestine, both of whom are equally entitled to "their place under the heavens". The apparent dichotomy in this case between the competing rights of security and to a decent living can only be resolved if old antagonisms are subordinated to a sense of justice and fair play. One has to find the strength to pluck rooted sorrows from the memory and to move on.

276. The Mission has given thought to the position of humanitarian organizations who wish to intervene in situations of long-standing humanitarian crisis where the international community is unwilling for whatever reason to take positive action. Too often they are accused as being meddling and at worst as terrorists or enemy agents.



277. A distinction must be made between activities taken to alleviate crises and action to address the causes creating the crisis. The latter action is characterized as political action and therefore inappropriate for groups that wish to be classified as humanitarian. This point is made because of the evidence that, while some of the passengers were solely interested in delivering supplies to the people in Gaza, for others the main purpose was raising awareness of the blockade with a view to its removal, as the only way to solve the crisis. An examination should be made to clearly define humanitarianism, as distinct from humanitarian action, so that there can be an agreed form of intervention and jurisdiction when humanitarian crises occur.

278. The Mission sincerely hopes that no impediment will be put in the way of those who suffered loss as a result of the unlawful actions of the Israeli military to be compensated adequately and promptly. It is hoped that there will be swift action by the Government of Israel. This will go a long way to reversing the regrettable reputation which that country has for impunity and intransigence in international affairs. It will also assist those who genuinely sympathize with their situation to support them without being stigmatized.

## **Resolution 15/1**

### **Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla**

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,*

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

*Taking into consideration* the relevant provisions of international humanitarian and human rights law,

*Emphasizing* the importance of the safety and well-being of all civilians, including humanitarian personnel,

*Recalling* its resolution 14/1 of 2 June 2010, in which the Council decided to dispatch an independent international fact-finding mission to investigate violations of human rights law and international humanitarian law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance,

1. *Welcomes* the report of the independent international fact-finding mission;<sup>1</sup>

2. *Deeply regrets* the non-cooperation by the occupying Power, Israel, with the mission;

3. *Endorses* the conclusions contained in the report of the mission, and calls upon all concerned parties to ensure their immediate implementation;

4. *Recommends* that the General Assembly consider the report of the mission;

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<sup>1/</sup> A/HRC/15/21.

5. *Requests* the United Nations High Commissioner for Human Rights to submit a report on the status of the implementation of paragraph 3 above to the Council at its sixteenth session;

*30th meeting  
29 September 2010  
[Adopted by a recorded vote of 30 to 1,  
with 15 abstentions.]*

6. *Decides* to follow up the implementation of the present resolution at its sixteenth session.

## **X. HUMAN RIGHTS COUNCIL ADOPTS RESOLUTION ON FOLLOW-UP TO THE GOLDSTONE REPORT**

*On 27 September 2010, the Human Rights Council considered the reports of the High Commissioner for Human Rights (A/HRC/15/52), of the Secretary-General (A/HRC/15/51), and of the Committee of independent experts established by the Council (A/HRC/15/50) on the follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict (“Goldstone report”). On 29 September 2010, the Council adopted resolution 15/6, reproduced below, together with an indication of the vote.*

### **Follow-up to the report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9**

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

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

*Recalling* its relevant resolutions, including resolutions S-9/1 of 12 January 2009, S-12/1 of 16 October 2009 and 13/9 of 25 March 2010, adopted 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,<sup>1</sup>

*Recalling further* relevant rules and principles of international law, including international humanitarian law and international human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 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,

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<sup>1/</sup> A/HRC/12/48.

*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 of the international community to ensure the protection of civilians in armed conflicts,

*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,

1. *Takes note* of the report of the Secretary-General,<sup>2</sup> and requests the Secretary-General to follow up on the implementation of the recommendations contained in the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict,<sup>1</sup> in accordance with Human Rights Council resolution S-12/1;

2. *Also takes note* of the report of the United Nations High Commissioner for Human Rights,<sup>3</sup> and requests the High Commissioner to follow up on the implementation of the recommendations contained in the report of the Fact-Finding Mission, in accordance with Human Rights Council resolution S-12/1;

3. *Welcomes* the report of the Committee of independent experts in international humanitarian and human rights law to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the

Palestinian side, including the independence, effectiveness and genuineness of these investigations and their conformity with international standards;<sup>4</sup>

4. *Warmly welcomes* the cooperation of the Palestinian National Authority with the Committee of independent experts, and the report submitted to the Secretary-General on the investigations carried out by the Palestinian Independent Investigation Commission established pursuant to the Goldstone report;<sup>5</sup>

5. *Urges* the Palestinian Independent Investigation Commission to complete its investigations in order to cover the allegations relating to the occupied Gaza Strip, as contained in the report of the Fact-Finding Mission;

6. *Condemns* the non-cooperation by Israel, the occupying Power, which hampered the assessment by the Committee of independent experts of Israel's response to the call by the General Assembly and the Council to conduct investigations that are independent, credible and in conformity with international standards;

7. *Urges* Israel, the occupying Power, in compliance with its duties to complete investigations in conformity with international standards of independence, thoroughness, effectiveness and promptness into the serious violations of international humanitarian law and international human rights law reported by the Fact-Finding Mission;

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<sup>2/</sup> A/HRC/15/51.

<sup>3/</sup> A/HRC/15/52.

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<sup>4/</sup> A/HRC/15/50.

<sup>5/</sup> See A/64/890, annex II.

8. *Decides* to renew and resume the mandate of the Committee of independent experts, established pursuant to Council resolution 13/9, and requests the Committee to submit its report to the Council at its sixteenth session, and requests the High Commissioner to continue to provide the members of the Committee with all administrative, technical and logistic assistance required to enable them to fulfil their mandate promptly and efficiently;

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

10. *Decides* to remain seized of this matter.

*30th meeting  
29 September 2010  
[Adopted by a vote of 27 to 1,  
with 19 abstentions.]*