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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. UNCTAD ISSUES STUDY ON PALESTINIAN FISCAL REVENUE LEAKAGE TO ISRAEL UNDER THE PARIS PROTOCOL

A study entitled “Palestinian Fiscal Revenue Leakage to Israel under the Paris Protocol on Economic Relations” was issued on 3 December 2014 by the United Nations Conference on Trade and Development (UNCTAD). The executive summary of the study is reproduced below:

Executive Summary

The Protocol on Economic Relations, also known as the Paris Protocol, was signed in 1994 between the Palestine Liberation Organization and the Government of Israel. It remains the general framework that governs Palestinian trade relations and economic, business and tax policies. The chronic structural distortions and problems arising from this framework were not limited to the general performance of the Palestinian economy. Rather, the framework determined the main sources of Palestinian fiscal revenue by placing the trade relations in the context of a unilateral, semi-customs union. More important still is the unilateral and selective application by Israel of the basic conditions of the Protocol. This gives the Israeli Government a disproportionate influence on the collection of Palestinian fiscal revenue, leading to deficiencies in the structure and collection of customs duties resulting from direct and indirect importing into Palestine.

This study focuses on the Paris Protocol sections dealing with imports, customs and value added tax (VAT) policies, highlighting its main shortcomings. These stem mainly from the fact that the Protocol is outdated and related to a transitional period that was supposed to end in 1999. As a result, it no longer addresses the current challenges before the Palestinian economy or its prospects within an independent Palestinian State; neither does it mention the lack of Israeli commitment to the terms of the Protocol, such as the obligation to transfer to the Palestinian National Authority its full

financial entitlements to the collection by the Government of Israel of purchase taxes and customs duties on Palestinian imports cleared through Israeli ports of entry.

The study reviews in detail all the tax and customs policies arising from the Paris Protocol and the Israeli tax system which it embodies, as applied in the Occupied Palestinian Territory. The policy framework has caused continued instability and uncertainty for the Palestinian treasury, fiscal leakage resulting from a restrictive trade relationship that allows for indirect imports through Israel, minimal Palestinian control over the flow of external trade, inconsistencies in the working mechanism for collection of purchase taxes and evasion of customs duties. The study finds that these problematic issues are largely caused by the type of trade relationship engendered by the Paris Protocol and the Israeli logic in applying it.

The study also proposes a methodology to estimate fiscal leakage resulting from importing from or through the Israeli market, and the ensuing evasion of customs duties. This estimate is made on the basis of official Palestinian statistics of total imports from Israel. Customs duties evasion is estimated by identifying relevant percentages and indicators from the available data. The analysis shows that fiscal leakage from the aforementioned sources exceeded \$310 million in 2011, equivalent to 3.6 per cent of total gross domestic product (GDP) and 18 per cent of the tax revenue of the Palestinian National Authority. Around 40 per cent of the fiscal

leakage is related to direct and indirect imports from Israel, and the remaining 60 per cent is in the form of evasion of customs duties.

The study suggests a number of recommendations pointing to the pressing need to change the modus operandi of the Palestinian import regime to ensure Palestinian rights in all economic, trade, financial and taxation areas. This will require new trade arrangements that cover borders, customs and a tax collection

mechanism to prevent fiscal leakage to Israel. With regard to indirect imports, information should be exchanged regularly between the Palestinian and Israeli authorities, customs and monitoring systems should be developed and the Government of Israel should acknowledge Palestinian financial entitlements to purchase taxes on goods made in Israel and sold on the Palestinian market and to the customs duties and purchase tax revenue collected on products indirectly imported through Israel.

II. CEIRPP CO-ORGANIZES THE INTERNATIONAL CONFERENCE OF LOCAL GOVERNMENTS AND CIVIL SOCIETY IN SUPPORT OF PALESTINIAN RIGHTS

The Committee on the Exercise of the Inalienable Rights of the Palestinian People convened the International Conference of Local Governments and Civil Society in Support of Palestinian Rights at the Parliament of Andalusia in Seville on 2 and 3 December 2014, in partnership with United Cities and Local Governments, the Andalusian Fund of Municipalities for International Solidarity and the Junta of Andalusia. The organizers of the event issued the following “Olive Declaration” after the event:

1. The representatives of city and local governments, as well as of civil society organizations who gathered in Seville during the International Conference of Local Governments and Civil Society Organizations in Support of Palestinian Rights, organized by the Andalusian Fund of Municipalities for International Solidarity (FAMSI), the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP), United Cities and Local Governments (UCLG) and the Junta of Andalusia, with the collaboration of the Parliament of Andalusia, where the event took place, declare:

2. 67 years after the adoption of United Nations Resolution 181 (II) and the Palestinian Nakba; 21 years after the signing of the Oslo Accords and on the 10th anniversary of the International Court of Justice advisory opinion on the Wall

coinciding with the International Year of Solidarity with the Palestinian People (2014);

3. Reaffirming our unconditional support for the inalienable rights of the Palestinian people, namely their right to self-determination, the right to national independence and sovereignty, and the right of the Palestine refugees to return to their homes and properties, and to compensation for the property of those choosing not to return, and for loss or damage to property, in accordance with United Nations resolutions and international law;

4. Reaffirming the customary law and norms enshrined in the Charter of the United Nations, which prohibits the acquisition of territory by force; the Universal Declaration of Human Rights; the Charter of Fundamental Rights of the European Union and our own national Constitutions;

5. Alarmed by the ongoing deterioration of the situation in Jerusalem, the ongoing displacement and violations of the Palestinian fundamental rights, and by the increase of settlers' violence and provocations against holy sites, particularly around the Al-Aqsa Mosque Compound;

6. Calling for greater effectiveness of international diplomacy and of the institutions that should have put an end to this tragedy;

7. Condemning the recent attack against the Gaza Strip which resulted in the death of some 2,205 people, a quarter of them children; displacement of 500,000 Palestinians, and the destruction of crucial civilian infrastructure;

8. Condemning the continuous expansion of illegal Israeli settlements in the Occupied Palestinian Territory despite the repeated calls of the international community to put an end to this practice;

9. Recalling the Concluding observations of the Committee on the Elimination of Racial Discrimination: Israel, CERD/C/ISR/CO/13, 9 March 2007, paras. 22, 23, 33, 34 and 35; and CERD/C/ISR/CO/14-16, 9 March 2012, paras. 11, 15, 24-27, calling on Israel to end all policies and practices which violate the provisions of article 3 of the Convention, which prohibits racial segregation and apartheid;

10. Recalling the conclusions of the Russell Tribunal on Palestine on EU, US, the Security Council and international companies complicit in Israel's violations of international law;

11. Recalling and celebrating good practices by local governments such as steps taken by over 16 municipalities in Andalusia and Catalonia endorsing the BDS campaign,

the council of Leicester to boycott all settlement products and Rio Grande Do Sul's government decision to suspend the Memorandum of Understanding with Elbit System and many other initiatives all over the world;

12. Recognizing the growing impact of civil society movements to end the Israeli occupation, such as the Boycott, Divestment and Sanctions campaign;

13. Welcoming the growing international recognition of the Palestinian State and the ongoing Palestinian efforts supported by an increasing majority of countries, to engage the Security Council and other United Nations bodies;

14. Taking into consideration the long and passionate exchange of views during these two days, we call for:

- the European Union and its Member States to fulfill their obligations under international law, as stated in the 2004 Advisory Opinion of the International Court of Justice on the Wall, not to help to maintain nor to render aid or assistance to the illegal situation coming from the breach of international law, and to play a greater role in ensuring accountability and to take concrete steps to implement the human rights provisions of its association agreements;

- all Member States of United Nations to live up to the Charter principles by ending their political and economic support for Israel's violations of international law and holding it juridically accountable for its crimes through their own and international mechanisms;

- all layers of the international community, including local governments

and civil society to gather support and exert pressure to end the siege of the Gaza Strip, and demanding the end of the abusive illegal use of administrative detention and freedom to all Palestinian political prisoners, supporting, among others, the international campaign “Free Marwan Barghouthi and all Palestinian prisoners”;

- local governments to develop and reinforce relations between them and Palestinian municipalities through educational, economic, social, political, cultural, youth, media and expert exchanges, in a sustainable way, and the signing of more twinning agreements; focusing on Area C and Jerusalem;

- international, European and national institutions to reinforce the Diplomacy of the Cities and eliminate the obstacles that complicate the development of Decentralized Cooperation;

- Local governments to commit to responsible investment by not contracting with parties and not twinning with cities that support or benefit from occupation or violate related prohibitions under international law;

- Civil society to pressure their local and national governments to hold into account Israel and companies complicit with its violations of international humanitarian and human rights law; and

- the United Nations to adopt a principled, ethically responsible and transparent procurement policy and mechanism for contracting with companies, for instance in the reconstruction of Gaza; that exclude from all tenders any parties, Israeli and other, that are complicit with the Israeli occupation, human rights abuses and violations of international law.

III. UN HUMANITARIAN COORDINATOR CALLS FOR AN END TO PUNITIVE DEMOLITIONS IN THE WEST BANK AND EAST JERUSALEM.

On 3 December 2015, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Jerusalem issued the following press release:

The United Nations Resident and Humanitarian Coordinator, Mr. James W. Rawley, today expressed serious concern over the Israeli authorities’ resumption of punitive demolitions in the occupied West Bank, including East Jerusalem.

This practice targets the family homes of perpetrators, or alleged perpetrators, of attacks against Israeli civilians and security forces, with the stated objective of deterring others from committing attacks. In recent phone conversations with the Prime Minister of Israel and the President of the State of

Palestine, the UN Secretary-General said he was alarmed by the upsurge of violence in recent weeks.

“Punitive demolitions are a form of collective penalty that punishes people for acts they did not commit,” said Mr. Rawley. “They render innocent people homeless. The impact on children, women and the elderly is particularly devastating.”

Between 1 June and 30 November 2014, the Israeli authorities demolished or sealed five homes in this context, displacing 34

Palestinians, including 16 children. Another six families, including four in East Jerusalem and two in other parts of the West Bank, are at imminent risk of displacement.

Punitive demolitions run counter to a range of rights and protections outlined in various international legal instruments that Israel has accepted. These include the prohibition on the destruction of private property in an occupied territory, the

absolute ban on collective penalties, and the rights to fair trial and due process and to adequate housing, among others.

“Punitive demolitions must stop. They contravene international law and risk undermining the already fragile situation,” Mr. Rawley stated. “Human rights violations are not only a symptom of the continued conflict here; they contribute to it.”

IV. GENERAL ASSEMBLY ADOPTS FOUR RESOLUTIONS ON PALESTINE REFUGEES

On 5 December 2014, the General Assembly discussed the report of its Fourth Committee (A/69/453), adopting, under agenda item 50, four resolutions pertaining to the United Nations Relief and Works Agency for Palestine Refugees in the Near East. The Assembly adopted resolutions 69/86, entitled: “Assistance to Palestine refugees”; 69/87, entitled “Persons displaced as a result of the June 1967 and subsequent hostilities”; 69/88, entitled “Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East”; and 69/89, entitled “Palestine refugees’ properties and their revenues”. The text of the resolutions is reproduced below.

69/86. Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 194 (III) of 11 December 1948 and all its subsequent resolutions on the question, including resolution 68/76 of 11 December 2013,

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

Recalling further the relevant resolutions of the Security Council,

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

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

Acknowledging the essential role that the Agency has played for over 60 years since its establishment in ameliorating the plight of the Palestine refugees through the provision of education, health, relief and social services and ongoing work in the areas of camp infrastructure, microfinance, protection and emergency assistance,

Taking note of the report of the Commissioner-General of the Agency

covering the period from 1 January to 31 December 2013,¹

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

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

Expressing grave concern in particular at the grave humanitarian situation and socioeconomic conditions of the Palestine refugees in the Gaza Strip, and underlining the importance of emergency and humanitarian assistance and urgent reconstruction efforts,

Noting the signing of the Declaration of Principles on Interim Self-Government Arrangements on 13 September 1993² by the Government of Israel and the Palestine Liberation Organization and the subsequent implementation agreements,

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

2. *Also notes with regret* that the United Nations Conciliation Commission

for Palestine has been unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly resolution 194 (III), and reiterates its request to the Conciliation Commission to continue exerting efforts towards the implementation of that paragraph and to report to the Assembly on the efforts being exerted in this regard as appropriate, but no later than 1 September 2015;

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

4. *Calls upon* all donors to continue to strengthen their efforts to meet the anticipated needs of the Agency, including with regard to increased expenditures arising from conflicts and instability in the region and the serious socioeconomic and humanitarian situation, particularly in the Occupied Palestinian Territory, and those needs mentioned in recent emergency, recovery and reconstruction appeals and plans for the Gaza Strip and in the regional crisis response plans to address the situation of Palestine refugees in the Syrian Arab Republic and those Palestine refugees who have fled to countries in the region;

5. *Commends* the Agency for its provision of vital assistance to the Palestine refugees and its role as a stabilizing factor in the region and the

¹ *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 13 (A/69/13).*

² A/48/486-S/26560, annex.

tireless efforts of the staff of the Agency in carrying out its mandate;

6. *Decides* to invite Brazil and the United Arab Emirates, in accordance with the criterion set forth in General Assembly decision 60/522 of 8 December

2005, to become members of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

*64th plenary meeting
5 December 2014*

69/87. Persons displaced as a result of the June 1967 and subsequent hostilities

The General Assembly,

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

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

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 68/77 of 11 December 2013,¹

Taking note also of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 January to 31 December 2013,²

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

Taking note of the relevant provisions of the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993³ with regard to the modalities for the admission of persons displaced in 1967,

and concerned that the process agreed upon has not yet been effected,

Taking note also of its resolution 67/19 of 29 November 2012,

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

2. *Stresses* the necessity for an accelerated return of displaced persons, and calls for compliance with the mechanism agreed upon by the parties in article XII of the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993³ on the return of displaced persons;

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

4. *Strongly appeals* to all Governments and to organizations and

¹ A/69/345.

² *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 13* (A/69/13).

³ A/48/486-S/26560, annex.

individuals to contribute generously to the Agency and to the other intergovernmental and non-governmental organizations concerned for the above-mentioned purposes;

5. *Requests* the Secretary-General, after consulting with the Commissioner-General, to report to the General

Assembly before its seventieth session on the progress made with regard to the implementation of the present resolution.

*64th plenary meeting
5 December 2014*

69/88. Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948, 212 (III) of 19 November 1948, 302 (IV) of 8 December 1949 and all subsequent related resolutions, including its resolution 68/78 of 11 December 2013,

Recalling also the relevant resolutions of the Security Council,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 January to 31 December 2013,¹

Taking note of the letter dated 17 June 2014 from the Chair of the Advisory Commission of the Agency to the Commissioner-General,²

Deeply concerned about the extremely critical financial situation of the Agency, caused in part by the structural underfunding of the Agency, as well as its rising expenditures resulting from the deterioration of the socioeconomic and humanitarian conditions and the conflicts

and rising instability in the region and their significant negative impact on the provision of necessary Agency services to the Palestine refugees, including its emergency, recovery, reconstruction and development programmes in all fields of operation,

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

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

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

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

¹ *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 13 (A/69/13).*

² *Ibid.*, pp. 6–8.

³ Resolution 22 A (I).

⁴ United Nations, *Treaty Series*, vol. 2051, No. 35457.

⁵ *Ibid.*, vol. 75, No. 973.

Gravely concerned about the extremely difficult socioeconomic conditions being faced by the Palestine refugees in the Occupied Palestinian Territory, including East Jerusalem, particularly in the refugee camps in the Gaza Strip, as a result of the recurrent military operations, continuing prolonged Israeli closures, the construction of settlements and the wall, and the severe economic and movement restrictions that in effect amount to a blockade, which have deepened unemployment and poverty rates among the refugees, with potentially lasting, long-term negative effects, while taking note of developments with regard to the situation of access there, particularly the recent tripartite agreement facilitated by the United Nations,

Deploring the conflict in and around the Gaza Strip in July and August 2014, and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and the elderly, as well as the widespread destruction of or damage to thousands of homes and civilian infrastructure, including schools, hospitals, water, sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites, and United Nations schools and facilities, as well as the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

Deploring also attacks affecting United Nations installations, including Agency schools sheltering displaced civilians, and all other breaches of the inviolability of United Nations premises

during the conflict in the Gaza Strip in July and August 2014,

Gravely concerned about the lasting negative repercussions of the military operations in the Gaza Strip between December 2008 and January 2009, as well as in November 2012, on the humanitarian and socioeconomic situation of the Palestine refugees in the Gaza Strip,

Commending the extraordinary efforts by the Agency to provide shelter to more than 290,000 Palestinian civilians, the majority of them Palestine refugees, as well as emergency relief, medical, food, protection and other humanitarian assistance during the military operations of July and August 2014,

Recalling, in this regard, its resolution ES-10/18 of 16 January 2009 and Security Council resolution 1860 (2009) of 8 January 2009,

Expressing regret over the continuing restrictions that impede the Agency's efforts to repair and rebuild thousands of damaged or destroyed refugee shelters, and calling upon Israel to ensure the unimpeded import of essential construction materials into the Gaza Strip and to reduce the burdensome cost of importation of Agency supplies, while taking note of recent developments regarding the situation of access there, including the recent tripartite agreement facilitated by the United Nations in this regard,

Expressing concern about the severe classroom shortage in the Gaza Strip, which has been compounded by the destruction caused to schools in the Israeli military operations of July and August 2014, as well as the continuing

use of Agency schools to shelter displaced persons, and the consequent negative impact on the right to education of refugee children,

Stressing the urgent need for the advancement of reconstruction in the Gaza Strip, including by ensuring the timely facilitation of construction projects and by sustaining the swift entry of construction materials needed for projects managed by the Agency, and the need for the accelerated implementation of other urgent United Nations-led civilian reconstruction activities,

Welcoming contributions made to the Agency's emergency appeals for the Gaza Strip following the military operations in July and August 2014, and calling urgently on the international community for continued support in accordance with the Agency's strategic response plan,

Welcoming also the convening of the Cairo International Conference on Palestine: Reconstructing Gaza, on 12 October 2014, and urging the timely and full disbursement of pledges for expediting the provision of humanitarian assistance and the reconstruction process,

Stressing that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and ensure the safety and well-being of civilians on both sides,

Affirming the need to support the Palestinian national consensus government in its assumption of full government responsibilities in both the West Bank and the Gaza Strip, in all

fields, as well as through its presence at Gaza's crossing points,

Noting with appreciation the progress made towards rebuilding the Nahr el-Bared refugee camp, commending the Government of Lebanon, donors, the Agency and other concerned parties for the continuing efforts to assist affected and displaced refugees, and emphasizing the need for additional funding to complete the reconstruction of the camp and end the displacement of its 27,000 residents without delay,

Expressing deep concern at the critical situation of Palestine refugees in the Syrian Arab Republic and at the impact of the crisis on the Agency's ability to deliver its services, and regretting profoundly the loss of life among refugees and the killing of 14 staff members of the Agency during the crisis since 2012,

Emphasizing the need for increased assistance to Palestine refugees in the Syrian Arab Republic as well as those who have fled to neighbouring countries, and emphasizing the necessity of ensuring open borders for Palestine refugees fleeing the crisis in the Syrian Arab Republic, consistent with the principles of non-discrimination and non-refoulement under international law, and recalling in this regard the statement by the President of the Security Council of 2 October 2013,⁶

Aware of the valuable work done by the Agency in providing protection to the Palestinian people, in particular Palestine refugees, and recalling the need for the protection of all civilians in situations of armed conflict,

⁶ S/PRST/2013/15.

Deploing the endangerment of the safety of the Agency's staff and the damage and destruction caused to the facilities and properties of the Agency during the period covered by the report of the Commissioner-General, and stressing the need to maintain the neutrality of and safeguard the inviolability of United Nations premises, installations and equipment at all times,

Deploing also the breaches of the inviolability of United Nations premises, the failure to accord the property and assets of the Organization immunity from any form of interference and the failure to protect United Nations personnel, premises and property,

Deploing the killing and injury of Agency staff members by the Israeli occupying forces in the Occupied Palestinian Territory since September 2000, including the 11 Agency personnel killed during the military operations in the Gaza Strip in July and August 2014,

Deploing also the killing and wounding of refugee children and women sheltering in the Agency schools by the Israeli occupying forces during the military operations of July and August 2014,

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

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

Taking note of the agreement reached on 24 June 1994, embodied in an exchange of letters between the Agency and the Palestine Liberation Organization,⁷

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

2. *Expresses its appreciation* to the Commissioner-General of the Agency, as well as to all the staff of the Agency, for their tireless efforts and valuable work, particularly in the light of the difficult conditions, instability and crises faced during the past year;

3. *Expresses special commendation* to the Agency for the essential role that it has played for over 60 years since its establishment in providing vital services for the well-being, human development and protection of the Palestine refugees and the amelioration of their plight;

4. *Commends also* the extraordinary efforts of the Agency, in cooperation with other United Nations agencies on the ground, to provide emergency humanitarian assistance, including shelter, food and medical aid, to refugees and affected civilians during the military operations in the Gaza Strip in July and August 2014;

5. *Expresses its appreciation* for the important support and cooperation provided by the host Governments to the Agency in the discharge of its duties;

6. *Also expresses its appreciation* to the Advisory Commission of the Agency,

⁷ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 13 (A/49/13), annex I.

and requests it to continue its efforts and to keep the General Assembly informed of its activities;

7. *Takes note with appreciation* of the report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East⁸ and the efforts to assist in ensuring the financial security of the Agency, and requests the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work;

8. *Commends* the Agency's six-year Medium-Term Strategy, which commenced in January 2010, and the continuing efforts of the Commissioner-General to increase the budgetary transparency and efficiency of the Agency, as reflected in the Agency's programme budget for the biennium 2014–2015,⁹ and welcomes the progress made in the preparation of the medium-term strategy for 2016–2021;

9. *Also commends* the Agency for sustaining its reform efforts, despite difficult operational circumstances, and urges it to continue to apply maximum efficiency procedures to reduce operational and administrative costs and to maximize the use of resources;

10. *Takes note with appreciation* of the report of the Secretary-General on the strengthening of the management capacity of the Agency,¹⁰ and urges all Member States to carefully consider the conclusions and recommendations contained therein, including the continued provision of financial

resources from the regular budget of the United Nations;

11. *Endorses* the efforts of the Commissioner-General to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are internally displaced and in serious need of continuing assistance as a result of recent crises in the Agency's fields of operation;

12. *Encourages* the Agency to provide increased assistance, in accordance with its mandate, to affected Palestine refugees in the Syrian Arab Republic as well as those who have fled to neighbouring countries, as detailed in the Syria regional crisis response plans, and calls upon donors to urgently ensure sustained support to the Agency in this regard;

13. *Welcomes* the progress made thus far by the Agency in rebuilding the Nahr el-Bared refugee camp in northern Lebanon, and calls for the expeditious completion of its reconstruction, for the continued provision of relief assistance to those displaced following its destruction in 2007 and for the alleviation of their ongoing suffering through the provision of the necessary support and financial assistance until the reconstruction of the camp is complete;

14. *Encourages* the Agency, in close cooperation with other relevant United Nations entities, to continue making progress in addressing the needs and rights of children, women and persons with disabilities in its operations, including through the provision of necessary psychosocial and humanitarian support, in accordance with the

⁸ A/69/391.

⁹ *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 13A* (A/68/13/Add.1).

¹⁰ A/65/705.

Convention on the Rights of the Child,¹¹ the Convention on the Elimination of All Forms of Discrimination against Women¹² and the Convention on the Rights of Persons with Disabilities,¹³ respectively;

15. *Commends*, in this regard, the Agency's initiatives that provide recreational, cultural and educational activities for children during the summer, including in the Gaza Strip, and, recognizing their positive contribution, calls for full support of such initiatives;

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

17. *Also calls upon* Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations³ in order to ensure the safety of the personnel of the Agency, the protection of its institutions and the safeguarding of the security of its facilities in the Occupied Palestinian Territory, including East Jerusalem, at all times;

18. *Calls for* a full and transparent investigation into all of the incidents affecting the Agency's facilities during the conflict in the Gaza Strip in July and August 2014, with a view to ensuring accountability for all violations of international law;

19. *Urges* the Government of Israel to expeditiously reimburse the Agency for

all transit charges incurred and other financial losses sustained as a result of delays and restrictions on movement and access imposed by Israel;

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

21. *Reiterates its call upon* Israel to fully lift the restrictions impeding or delaying the import of necessary construction materials and supplies for the reconstruction and repair of thousands of damaged or destroyed refugee shelters, and for the implementation of suspended and urgently needed civilian infrastructure projects in refugee camps in the Gaza Strip;

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

23. *Notes with appreciation* the positive contribution of the Agency's microfinance and job-creation programmes, and calls upon the Agency, in close cooperation with the relevant agencies, to continue to contribute to the development of the economic and social stability of the Palestine refugees in all fields of operation;

24. *Reiterates its appeals* to all States, the specialized agencies and non-governmental organizations to continue and to augment the special allocations for grants and scholarships for higher education to Palestine refugees in addition to their contributions to the

¹¹ United Nations, *Treaty Series*, vol. 1577, No. 27531.

¹² *Ibid.*, vol. 1249, No. 20378.

¹³ *Ibid.*, vol. 2515, No. 44910.

regular budget of the Agency and to contribute to the establishment of vocational training centres for Palestine refugees, and requests the Agency to act as the recipient and trustee for the special allocations for grants and scholarships;

25. *Urges* serious follow-up efforts by the Agency and the donor community to meet the goals set forth in the conclusions endorsed by the special meeting of a group of supporters of the Agency, held on 26 September 2013 on the margins of the general debate of the General Assembly at its sixty-eighth session;

26. *Urges* all States, the specialized agencies and non-governmental organizations to support the Agency's valuable and necessary work in assisting

the Palestine refugees in all fields of operation by providing or increasing their contributions to the Agency in order to address the serious financial constraints and underfunding affecting the Agency's regular budget, noting that financial needs have been exacerbated by conflicts and instability in the recent period and the deteriorating humanitarian situation on the ground;

27. *Calls*, in this regard, for the full and timely funding by donors of the Agency's emergency, recovery and reconstruction programmes as set out in its emergency appeals and response plans.

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69/89. Palestine refugees' properties and their revenue

The General Assembly,

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

Taking note of the report of the Secretary-General submitted pursuant to its resolution 68/79 of 11 December 2013,¹ as well as that of the United Nations Conciliation Commission for Palestine for the period from 1 September 2013 to 31 August 2014,²

Recalling that the Universal Declaration of Human Rights³ and the principles of international law uphold the

principle that no one shall be arbitrarily deprived of his or her property,

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

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

¹ A/69/351.

² A/69/349, annex.

³ Resolution 217 A (III).

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

the location, area and other particulars of Arab property,

Expressing its appreciation for the preservation and modernization of the existing records, including the land records, of the Conciliation Commission, and stressing the importance of such records for a just resolution of the plight of the Palestine refugees in conformity with resolution 194 (III),

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

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

2. *Requests* the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation

Commission for Palestine, for the protection of Arab property, assets and property rights in Israel;

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

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

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

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

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5 December 2014*

⁵ A/48/486-S/26560, annex.

V. GENERAL ASSEMBLY ADOPTS FIVE RESOLUTIONS ON THE REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES

On 5 December 2014, the General Assembly took action on the report of its Fourth Committee (A/69/454), adopting, under agenda item 51, five resolutions pertaining to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. The Assembly adopted resolutions 69/90, entitled “Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories”; 69/91, entitled “Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories”; 69/92, entitled “Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan”; 69/93, entitled “Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem”; and 69/94, entitled “The occupied Syrian Golan”. The text of resolutions 69/90 to 69/93 is reproduced below:

69/90. Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,

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

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

Recalling its relevant resolutions, including resolutions 2443 (XXIII) of 19 December 1968 and 68/80 of 11 December 2013, and the relevant resolutions of the Human Rights Council, including

resolutions S-12/1 of 16 October 2009⁴ and S-21/1 of 23 July 2014,⁵

Recalling also the relevant resolutions of the Security Council,

Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,⁶ and recalling in this regard its resolution ES-10/15 of 20 July 2004,

Recalling its resolution 58/292 of 6 May 2004,

Taking note of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied

¹ United Nations, *Treaty Series*, vol. 75, No. 973.

² Resolution 217 A (III).

³ Resolution 2200 A (XXI), annex.

⁴ See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53A* (A/64/53/Add.1), chap. I.

⁵ *Ibid.*, *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. VI.

⁶ See A/ES-10/273 and Corr.1.

Palestinian Territory, including East Jerusalem,⁷

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

Gravely concerned about the continuing detrimental impact of ongoing unlawful Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, including the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in the death and injury of civilians and the widespread destruction of property and vital infrastructure, including during the Israeli military operations in the Gaza Strip in July and August 2014, as well as ongoing settlement activities and construction of the wall, the internal forced displacement of civilians, the imposition of collective punishment measures, particularly against the civilian population in the Gaza Strip, where continuing severe restrictions on movement amount to a blockade, and the detention and imprisonment of thousands of Palestinians,

Gravely concerned also about all acts of violence, intimidation and provocation by Israeli settlers against Palestinian civilians and properties, including homes, mosques, churches and agricultural lands,

Gravely concerned in particular by reports regarding serious human rights violations and grave breaches of international humanitarian law committed during the military operations in the Gaza Strip between December 2008 and January 2009, including the findings in the summary by the Secretary-General of the report of the Board of Inquiry⁸ and in the report of the United Nations Fact-Finding Mission on the

Gaza Conflict,⁹ and reiterating the necessity for serious follow-up by all parties to the recommendations addressed to them towards ensuring accountability and justice,

Deploring the killing and injury of thousands of civilians, including women and children, during the military operations in the Gaza Strip in July and August 2014,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories¹⁰ and the relevant reports of the Secretary-General,¹¹

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993¹² and the subsequent implementation agreements between the Palestinian and Israeli sides,

Stressing the urgency of bringing a complete end to the Israeli occupation that began in 1967 and thus an end to the violation of the human rights of the Palestinian people, and of allowing for the realization of their inalienable human rights, including their right to self-determination and their independent State,

Taking note of the application of Palestine for admission to membership in the United Nations, submitted on 23 September 2011,¹³

Recalling its resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded non-member observer State status in the United Nations,

⁹ A/HRC/12/48.

¹⁰ A/69/355.

¹¹ A/69/128, A/69/316, A/69/327, A/69/347 and A/69/348.

¹² A/48/486-5/26560, annex.

¹³ A/66/371-S/2011/592.

⁷ A/HRC/22/63.

⁸ See A/63/855-5/2009/250.

and taking note of the follow-up report of the Secretary-General,¹⁴

Noting the accession by Palestine, on 1 April 2014, to several human rights treaties and the core humanitarian law conventions,

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

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

3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;¹⁵

4. *Expresses grave concern* about the critical situation in the Occupied Palestinian Territory, including East Jerusalem, particularly in the Gaza Strip, as a result of unlawful Israeli practices and measures, and especially condemns and calls for the immediate cessation of all illegal Israeli settlement activities and the construction of the wall, the lifting of the blockade of the Gaza Strip, as well as a complete cessation of the excessive and indiscriminate use of force and military operations against the civilian population, settler violence, the destruction and confiscation of properties, the forced displacement of civilians, all measures of collective punishment, and the

detention and imprisonment of thousands of civilians;

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

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

7. *Further requests* the Special Committee to continue to investigate the treatment and status of the thousands of prisoners and detainees, including children and women, in Israeli prisons and detention centres in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and expresses grave concern about harsh conditions and ill-treatment of prisoners and recent hunger strikes, while taking note of the agreement reached in May 2012 concerning conditions of detention in Israeli prisons and calling for its full and immediate implementation;

8. *Requests* the Secretary-General:

(a) To provide the Special Committee with all necessary facilities,

¹⁴ A/67/738.

including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

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

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

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the

Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

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

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

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69/91. Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

The General Assembly,

Recalling its relevant resolutions, including resolution 68/81 of 11 December 2013,

Bearing in mind the relevant resolutions of the Security Council,

Recalling the Regulations annexed to the Hague Convention IV of 1907, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ and relevant provisions of customary law, including those codified in Additional Protocol I² to the four Geneva Conventions,³

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the

Palestinian People and Other Arabs of the Occupied Territories⁴ and the relevant reports of the Secretary-General,⁵

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

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,⁶ and also recalling General Assembly resolution ES-10/15 of 20 July 2004,

Noting in particular the Court’s reply, including that the Fourth Geneva Convention¹ is applicable in the Occupied

¹ Ibid., vol. 1125, No. 17512.

² Ibid., vol. 1125, No. 17512.

³ Ibid., vol. 75, Nos. 970-973.

⁴ A/69/355.

⁵ A/69/128, A/69/316, A/69/327, A/69/347 and A/69/348.

⁶ See A/ES-10/273 and Corr.1

Palestinian Territory, including East Jerusalem, and that Israel is in breach of several of the provisions of the Convention,

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

Welcoming and encouraging the initiatives by States parties to the Convention, both individually and collectively, according to article 1 common to the four Geneva Conventions, aimed at ensuring respect for the Convention, as well as the continuing efforts of the depositary State of the Geneva Conventions in this regard,

Noting the accession by Palestine on 1 April 2014 to the Geneva Conventions and Additional Protocol I,

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

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

2. *Demands* that Israel accept the de jure applicability of the Convention in the

Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions³ and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004,⁶ to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

4. *Notes* the ongoing consultations by Switzerland, the depositary State, regarding the requests to convene a conference of the High Contracting Parties to the Fourth Geneva Convention;

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

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

*64th plenary meeting
5 December 2014*

**69/92. Israeli settlements in the Occupied Palestinian Territory,
including East Jerusalem, and the occupied Syrian Golan**

The General Assembly,

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

Recalling its relevant resolutions, including resolution 68/82 of 11 December 2013, as well as those resolutions adopted at its tenth emergency special session,

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

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

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

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the

construction of a wall in the Occupied Palestinian Territory,⁴ and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

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

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

Recalling the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,⁷

Recalling also the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993⁸ and the subsequent implementation agreements between the Palestinian and Israeli sides,

Recalling further the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,⁹ and emphasizing specifically its call for a freeze on all settlement activity, including so-called

¹ United Nations, *Treaty Series*, vol. 75, No. 973.

² *Ibid.*, vol. 1125, No. 17512.

³ *Ibid.*, vol. 75, Nos. 970-973.

⁴ See A/ES-10/273 and Corr.1.

⁵ *Ibid.*, advisory opinion, para. 120.

⁶ A/HRC/25/67; see also A/69/301 and Corr.1.

⁷ A/HRC/22/63.

⁸ A/48/486-5/26560, annex.

⁹ S/2003/529, annex.

natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

Recalling its resolution 67/19 of 29 November 2012,

Noting the accession by Palestine on 1 April 2014 to several human rights treaties and the core humanitarian law conventions,

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

Bearing in mind the extremely detrimental impact of Israeli settlement policies, decisions and activities on the efforts to resume and advance the peace process, on the credibility of the peace process and on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders,

Expressing grave concern about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the

international community to cease all settlement activities,

Expressing grave concern in particular about Israel's construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley,

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

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

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

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

Gravely concerned about the rising incidents of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands,

Taking note of the relevant reports of the Secretary-General,¹⁰

Noting the special meeting of the Security Council convened on 26 September 2008, as well as the meeting of the Council of 18 February 2011,

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

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49, and to comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979), 452 (1979) of 20 July 1979, 465 (1980), 476 (1980) and 1515 (2003) of 19 November 2003;

4. *Stresses* that a complete cessation of all Israeli settlement activities is essential for salvaging the two-State solution on the basis of the pre-1967 borders;

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

6. *Reiterates its call* for the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites, and agricultural lands;

7. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, and stresses in this regard the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

¹⁰ A/69/128, A/69/316, A/69/327, A/69/347 and A/69/348; see also A/69/355.

8. *Encourages* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlements;

9. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011,¹¹ concerning the Guiding

¹¹ See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. III, sect. A.

Principles on Business and Human Rights,¹² and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

10. *Requests* the Secretary-General to report to the General Assembly at its seventieth session on the implementation of the present resolution.

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¹² A/HRC/17/31, annex.

69/93. Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling the Universal Declaration of Human Rights,¹

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

Reaffirming its relevant resolutions, including resolution 68/83 of 11 December 2013 as well as those adopted at its tenth emergency special session,

Recalling the relevant resolutions of the Human Rights Council,

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

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

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

¹ Resolution 217 A (III).

² See resolution 2200 A (XXI), annex.

³ United Nations, *Treaty Series*, vol. 1577, No. 27531.

⁴ A/69/355.

⁵ A/69/128.

1967,⁶ as well as of other relevant recent reports of the Human Rights Council,

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

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

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

Taking note of its resolution 67/19 of 29 November 2012,

Noting the accession by Palestine, on 1 April 2014, to several human rights treaties and the core humanitarian law conventions,

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

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

Reaffirming further the obligation of the States parties to the Fourth Geneva

Convention⁸ under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

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

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

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

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children, women and non-violent, peaceful demonstrators; the arbitrary imprisonment and detention of Palestinians, some of whom have been imprisoned for decades; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements;

⁶ A/HRC/20/32, A/HRC/23/21 and A/HRC/25/67; see also A/69/301 and Corr.1.

⁷ See A/ES-10/273 and Corr.1.

⁸ United Nations, *Treaty Series*, vol. 75, No. 973.

⁹ S/2003/529, annex.

the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the destruction of property and infrastructure; the forced displacement of civilians; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Deploring the conflict in and around the Gaza Strip in July and August 2014 and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and the elderly, the widespread destruction of thousands of homes and civilian infrastructure, including schools, hospitals, water, sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites, and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

Gravely concerned about the disastrous humanitarian situation and the critical socioeconomic and security situation in the Gaza Strip, including that resulting from the prolonged closures and severe economic and movement restrictions that in effect amount to a blockade and from the continuing and vastly negative repercussions of the military operations between December 2008 and January 2009, in November 2012 and in July and August 2014, as well as about the firing of rockets into Israel,

Recalling the statement by the President of the Security Council of 28 July 2014,¹⁰

Stressing the need for the full implementation by all parties of Security

Council resolution 1860 (2009) of 8 January 2009 and General Assembly resolution ES-10/18 of 16 January 2009,

Stressing also that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and ensure the safety and well-being of civilians on both sides,

Gravely concerned by reports regarding serious human rights violations and grave breaches of international humanitarian law committed during the military operations in the Gaza Strip between December 2008 and January 2009, including the findings in the summary by the Secretary-General of the report of the Board of Inquiry¹¹ and in the report of the United Nations Fact-finding Mission on the Gaza Conflict,¹² and reiterating the necessity for serious follow-up by all parties of the recommendations addressed to them towards ensuring accountability and justice,

Expressing deep concern about the short- and long-term detrimental impact of such widespread destruction and the continued impeding of the reconstruction process by Israel, the occupying Power, on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population,

Expressing deep concern also about the Israeli policy of closures and the imposition of severe restrictions, including through hundreds of obstacles to movement, checkpoints and a permit regime, all of which obstruct the freedom of movement of

¹⁰ S/PRST/2014/13.

¹¹ See A/63/855-5/2009/250.

¹² A/HRC/12/48.

persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, consequently violating the human rights of the Palestinian people and negatively impacting their socioeconomic situation and the efforts aimed at rehabilitating and developing the Palestinian economy, which remains that of a critical humanitarian situation in the Gaza Strip, while taking note of recent developments with regard to the situation of access there,

Expressing grave concern that thousands of Palestinians, including many children and women, continue to be held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, the extensive use of administrative detention of excessive duration without charge and denial of due process, lack of proper medical care and widespread medical neglect, including for prisoners who are ill, with the risk of fatal consequences, and denial of family visits, that impair their well-being, and expressing grave concern also about the ill-treatment and harassment and all reports of torture of any Palestinian prisoners,

Expressing deep concern about the recent hunger strikes by numerous Palestinian prisoners in protest of the harsh conditions of their imprisonment and detention by the occupying Power, while taking note of the agreement reached in May 2012 on conditions of detention in Israeli prisons and calling for its full and immediate implementation,

Expressing concern about the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including

East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

Stressing the need for the prevention of all acts of violence, harassment, provocation and incitement by extremist Israeli settlers, especially against Palestinian civilians, including children, and their properties, including homes, agricultural lands and historic and religious sites, and expressing deep concern about the violation of the human rights of Palestinians in this regard,

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

Noting the continued efforts and tangible progress made in the Palestinian security sector, and noting also the continued cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

Urging the parties to observe calm and restraint and to refrain from provocative actions, incitement and inflammatory rhetoric, especially in areas of religious and cultural sensitivity, including in East Jerusalem, and to take every possible step to promote conditions conducive to the success of the resumed peace negotiations,

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

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

2. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, including the killing and injury of civilians, the arbitrary detention and imprisonment of civilians, the forced displacement of civilians, and the destruction and confiscation of civilian property, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

3. *Also demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949⁸ and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Notes* the resumption of cooperation by Israel with the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights, and calls for full cooperation with the relevant special rapporteurs and other relevant mechanisms and inquiries of the Human Rights Council;

5. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which,

inter alia, gravely and detrimentally impact the human rights of the Palestinian people and the prospects for achieving without delay an end to the Israeli occupation that began in 1967 and a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides;

6. *Calls for* urgent attention to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, and calls for efforts between the two sides for the further release of prisoners and detainees;

7. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, which have caused extensive loss of life and vast numbers of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, and United Nations facilities, and agricultural lands, and large-scale internal displacement of civilians;

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

9. *Reiterates its demand* for the full implementation of Security Council resolution 1860 (2009);

10. *Demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice' and as

demanding in General Assembly resolutions ES-10/15 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparations for all damage caused by the construction of the wall, which has gravely impacted the human rights and the socioeconomic living conditions of the Palestinian people;

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

12. *Calls upon* Israel, the occupying Power, to cease its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, and in this regard to fully implement the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue and massive reconstruction needs and economic recovery in the Gaza Strip,

while noting the recent tripartite agreement facilitated by the United Nations in this regard;

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

14. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights, and welcomes in this regard the formation of the Palestinian national consensus government under the leadership of President Mahmoud Abbas, consistent with the Palestine Liberation Organization commitments and the Quartet principles;

15. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their inalienable human rights, including their right to self-determination;

16. *Requests* the Secretary-General to report to the General Assembly at its seventieth session on the implementation of the present resolution.

*64th plenary meeting
5 December 2014*

VI. SECRETARY-GENERAL EXPRESSES SADNESS AT THE DEATH OF PALESTINIAN MINISTER ZIAD ABU EIN

The following statement was issued on 10 December 2014 by the Spokesman for UN Secretary-General Ban Ki-moon: (SG/SM/16415, PAL/2182):

The Secretary-General is deeply saddened by the death of Palestinian Minister Ziad Abu Ein, after a demonstration in the village of Turmus Ayya that resulted in a confrontation with Israeli security forces. He expresses his condolences to the family of Minister Abu Ein, the Palestinian people and the Government of National Consensus.

The Secretary-General calls on the Israeli authorities to conduct a swift and transparent investigation into the circumstances of the brutal death of Minister Abu Ein. He also calls on all sides to exercise maximum restraint and avoid further escalation.

VII. SPECIAL COORDINATOR FOR MIDDLE EAST PEACE PROCESS VISITS GAZA

The following press release was issued on 11 December 2014 by the Office of United Nations Special Coordinator for the Middle East Peace Process Robert Serry:

In a visit today to Gaza, Mr. Serry informed interlocutors that by the end of this month more than 20,000 homeowners are expected to be able to procure construction material for urgent repairs of their dwellings. However he stressed that this can only be the beginning of an effective process to rebuild Gaza and much more needs to be done. In this regard, he emphasized to Gaza Ministers of the Government of National Consensus and interlocutors of the private sector the importance of their direct engagement to address large scale reconstruction challenges and to prioritize projects for this purpose through the temporary mechanism, noting that implementation of the first projects could start as early as next week.

It must be noted that the mechanism is an enabler to open up Gaza for reconstruction, which was endorsed by the Cairo Conference in the context of the need for a durable ceasefire and an empowered Government of National Consensus, led by President Abbas, which is able to take its

rightful responsibilities in Gaza, including manning the crossings.

Unfortunately the operating environment continues to face many challenges, including a fragile and informal ceasefire which has not yet solidified, and a lack of empowerment of the Government of National Consensus in Gaza with no control over the crossings. These difficult issues, coupled with insufficient financial assistance from donors, have only worsened the atmosphere in an already devastated Gaza.

Mr. Serry remains gravely concerned about the dire situation in Gaza and intends to brief the Security Council next week on the need for all stakeholders and the international community to make good on their calls made at the Cairo Conference to give Gaza more than hope, to give Gaza materials with which to rebuild their lives and to create conditions that will lead to the end of the blockade. This includes progress on all fronts, progress which must be made now lest we see Gaza fall back into yet another conflict.

VIII. SECURITY COUNCIL MEMBERS EXPRESS SORROW AT THE DEATH OF PALESTINIAN MINISTER ZIAD ABU EIN

On 12 December 2014, the President of the Security Council, Ambassador Mahamat Zene Cherif of Chad, issued the following press statement (SC/11699, PAL/2183):

The members of the Security Council expressed their sorrow at the death of Palestinian Minister Ziad Abu Ein, which occurred after a demonstration in the Palestinian village of Turmus Ayya.

The members of the Security Council expressed their condolences to the family of Minister Abu Ein, the Palestinian people and the Palestinian Authority.

The members of the Security Council encouraged the parties to ensure that a swift

and transparent investigation is undertaken. Council members took note of the willingness of the Government of Israel to conduct a joint investigation into the incident.

The members of the Security Council called on all sides to exercise maximum restraint and to refrain from steps that could further destabilize the situation.

IX. SPECIAL COORDINATOR FOR MIDDLE EAST PEACE PROCESS BRIEFS SECURITY COUNCIL

On 15 December 2015, UN Special Coordinator for the Middle East Peace Process Robert Serry briefed the Security Council on the situation in the Middle East, including the Palestinian question. The following are excerpts of Mr. Serry's briefing (S/PV.7339):

...

I brief the Council today against the backdrop of a dramatic year, during which we have witnessed a serious effort to achieve a negotiated settlement stalling yet again, a devastating 51-day war in Gaza, and increased violence and tension throughout the West Bank, including in East Jerusalem. Israel is heading to the polls. The recent collapse of the ruling coalition, less than two years into its tenure, has paved the way for early general elections, scheduled for 17 March 2015. As the country begins this new chapter, the deadly diplomatic vacuum can be no excuse for either side to let the present situation get even worse.

Now is the time to de-escalate and refrain from provocative steps, rebuild trust

and set conditions for a return to negotiations that will resolve the conflict. As the Secretary-General and I have consistently warned, hope for a lasting solution to the conflict must be restored before it is too late. Israelis and Palestinians still demand an end to the conflict, despite their strong malaise concerning the peace process itself. Making headway in at least salvaging prospects for resolving the conflict will require the active role of the international community. We cannot walk away from our responsibility to advocate for a meaningful framework for peace.

In a continuation of an ongoing trend in Europe, parliaments in France, Spain and Portugal have adopted non-binding resolutions that call upon their respective Governments to recognize a Palestinian

State. These are significant developments that serve to highlight growing impatience at the continued lack of real progress in achieving a two-State solution, and that Governments are under increased public pressure to promote an end to the conflict once and for all. I note the recent League of Arab States meeting in Cairo, where it was agreed to present to the Security Council a draft resolution setting a timeframe for the creation of a Palestinian State. I understand that consultations are also ongoing among Council members to present a draft resolution outlining the parameters of an Israeli-Palestinian final status agreement.

While they are important, we must recognize that these actions are not a substitute for a genuine peace process, which will need to be negotiated between both parties. The Secretary-General hopes that Security Council action will generate constructive momentum towards the creation of a meaningful and effective framework for renewed negotiations. Such a move by the Security Council would constitute a major step on this conflict since the adoption of resolution 242 (1967) almost 50 years ago.

In the meantime, the situation on the ground remains explosive. I am deeply troubled by the recent escalation of tensions in Jerusalem and the West Bank, as daily clashes continue to take place between Palestinians and Israelis. While the conflict has consistently had religious underpinnings, what is increasingly worrying is that it is now becoming more religiously inspired.

On 18 November, two Palestinians killed five Israelis and injured several others at a West Jerusalem synagogue before being shot dead by Israeli police. The Secretary-General strongly condemned the attack, for which there can be no justification

whatsoever. He rejects any attempts to honor those who carried out such crimes. On 29 November, a Jewish-Arab school in Jerusalem was set on fire and vandalized with anti-Arab graffiti. Several Israelis were arrested in connection with the crime, which was strongly condemned by Prime Minister Netanyahu. Overall, a total of 633 Palestinians, including 73 children, have been injured and another 406 arrested by Israeli security forces during the past month. Nine Israeli soldiers and 20 Israeli settlers have also been injured in clashes with Palestinians. On 10 December, Palestinian Minister Ziad Abu Ein died after protest activity near the village of Turmus Ayya that resulted in a confrontation with Israeli security forces. The Council encouraged the parties to ensure that a swift and transparent investigation into the circumstances of his death is undertaken.

I would also like to acknowledge that constructive steps have been taken by parties concerned to de-escalate the tensions surrounding the holy sites, as per the understandings reached in Amman last month in the presence of United States Secretary of State Kerry. The Secretary-General and I hope that these commitments to maintaining the status quo regarding the holy sites will continue to be implemented. We note that there has been a decrease in the number of Jewish activists visiting the holy compound and a lifting of access restrictions on Muslim worshippers. For the first time since 2007, Palestinians from Gaza have been permitted to worship at the Al-Aqsa Mosque. These are encouraging developments that should be continued. President Abbas' calls for calm have also been welcome.

In contrast, I am very concerned that Israel has reinstated its practice of punitive demolitions after almost a complete halt for nearly a decade. During the reporting period,

six structures were demolished in the West Bank, including East Jerusalem, resulting in the displacement of 21 Palestinians, including 11 children. One of these demolitions was of a punitive nature; on 19 November, the Israel Defense Forces demolished the family house of the Palestinian who, on 22 October, drove his car into a light train station, killing two. These acts, targeting family homes of perpetrators of attacks against Israeli citizens, are a form of collective penalty that contravenes international law and risk undermining the already fragile situation. They are wrong and counterproductive.

I will now turn to the situation in Gaza, where despite some initial setbacks, the delivery of construction material via the temporary Gaza reconstruction mechanism continues and, in fact, has been scaled up significantly over the past two weeks. As of 10 December, more than 17,000 individuals requiring construction material for shelter repairs had been cleared to purchase materials under the temporary mechanism. Of those, close to 8,000 home owners had been notified and procured materials as of last night. The Ministry of Public Works will now notify a further 10,000 individuals over the course of this week, and around 25,000 home owners are expected to have access to construction materials by the end of December.

Construction materials are entering Gaza in quantities ensuring sufficient stocks for vendors. On 7 December, 44 trucks loaded with close to 1,800 tons of cement for reconstruction entered Gaza via the Kerem Shalom crossing. It was the largest quantity shipped in one day in years. In total, over 22,000 tons of construction material have been imported by private sector vendors to date, of which over 17,000 tons have already been procured by individuals. I must re-emphasize, however, that the temporary

mechanism is not a substitute for the lifting of all closures on Gaza, as laid out in resolution 1860 (2009). Trade between Gaza and the West bank has been re-established, yet remains much below the potential. Transfers of fish and vegetables from Gaza to the West Bank rose from one truck per day to 11 trucks per day in November.

Despite these positive developments, the situation remains very fragile. Up to 80,000 families are living in houses that have sustained varying degrees of damage, while 18 school buildings belonging to the United Nations Relief and Works Agency for Palestine Refugees in the Near East continue to serve as collective centres for some 19,000 internally displaced persons. The urgency of addressing these needs is compounded by the extreme weather Gaza has experienced in recent weeks with the early arrival of the rainy winter season.

As the mechanism begins operating at scale, forging a clear and realistic plan for Gaza will be vital if we want to give Gazans hope. I envisage the following three priorities to be achieved in the next three years. We must deliver affordable energy, sufficient water and the physical reconstruction of Gaza. The Strip's chronic electricity shortages cannot be met by endless and costly interim measures, however necessary in the short term. Gaza needs access to natural gas if its only power plant is to create affordable energy, as well as a desalinization plant that will meet its pressing water needs. I believe that it is possible to address these pressing needs if we can be assured that crossings will be open for all required materials to enter the Strip in predictable and transparent flows, while addressing reasonable Israeli security concerns. The temporary mechanism is an important tool only in this regard.

Let me be clear, those ambitious goals cannot be reached without urgent and consistent international engagement. But any vision for Gaza's future cannot escape the current reality on the ground. The acceleration of Gaza's reconstruction process is being held back by several factors, many of which are political:

the ceasefire between Israel and the Palestinians in Gaza has still not been solidified; and the Government of National Consensus in Gaza has still not taken up its rightful governance and security functions and has no control over the crossings; civil service reform is urgently required and thousands of Government staff are still not being paid. Perhaps most urgently, the reconstruction effort still requires funds. Firm donor commitment to fulfill pledges made at the Cairo conference in October is crucial. The lack of progress on those fronts can fatally undermine our capacity to face the challenges ahead and bring back hope to the people of Gaza.

I also hope that challenging security considerations will soon be overcome for Egypt to reopen the Rafah crossing, which remains crucial as a terminal for people to leave or enter.

If those and other challenging issues are not addressed, the atmosphere in an already devastated Gaza will only worsen. We are beginning to see the security implications of those persistent pressures on Gazan society. Recent incidents include one Palestinian civilian being shot and killed by Israeli security forces on 23 November — for the first time since the ceasefire — and militants reportedly test-fired a total of 20 rockets towards the sea. Reports are also increasing that extremist elements are seeking to gain a foothold in Gaza. On 12 December, an explosion took place on the perimeter of the

French Cultural Centre compound in Gaza, injuring two guards. That was the second time that the French Cultural Centre had been targeted. We note the condemnation of the attack by Hamas. Pending the transfer of security responsibilities to the Government of National Consensus, we continue to hold Hamas responsible for the safety of United Nations and all international staff in Gaza.

I must warn that Gaza can now go both ways. We have an opportunity to make advances. But if critical issues remain unresolved, I fear we may be heading towards another implosion with dire consequences.

...

In conclusion, we have reached a dramatic moment in the quest for peace between Israel and the Palestinians, particularly if that peace — as we have consistently advocated — is to be based on a two-State solution. I feel that 2014 changed the course of the Israeli-Palestinian conflict and that the future is more uncertain than ever. As I have alerted the Council, I am deeply concerned that a one-State reality is on the parties' doorstep if they fail to address the present deadlock.

The people of Israel and Palestine deserve better. They are in need of hope — hope that their future will see peace and the end of conflict at last. Reversing the trust deficit must now take precedence.

Prolonging the status quo is a sure-fire route to failure. The international community, including the Security Council, has a responsibility and an important role to play in shaping a way ahead. Yet ultimately it is for Palestinians and Israelis and their leaderships to take the courageous steps, now more necessary than ever, to salvage a peaceful and secure future for their people.

X. HIGH COMMISSIONER FOR HUMAN RIGHTS CALLS ON ISRAEL TO CURB RISE IN PROTEST FATALITIES IN THE OPT

The following press release was issued on 15 December 2014 by The High Commissioner for Human Rights, Zeid Ra'ad Al Hussein:

The United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein on 12 December urged the Israeli authorities to take urgent steps to halt continuing injuries and fatalities occurring during protests in the Occupied Palestinian Territory, and to ensure meaningful investigations into all such incidents.

Issues relating to the Israeli security forces' reaction to protests were highlighted by the death of Palestinian Minister Ziad Abu Ein after Israeli troops clashed with protesters on 10 December. Ziad Abu Ein died following an assault by an Israeli soldier during an olive-tree planting protest against illegal Israeli settlements in the occupied West Bank village of Turmus'aya. The protest coincided with a petition brought before the Israeli High Court demanding the dismantling of the nearby illegal settlement of Adei Ad, which has been involved in repeated acts of settler violence against Palestinians.

"The incidents that preceded the Minister's death are disturbing and must be carefully investigated," High Commissioner Zeid said. "I express my deepest condolences to Ziad Abu Ein's family, and to the people of Palestine. It is a terrible and deeply tragic irony that he should die in this way after taking part in a peaceful protest against illegal settlements, centred around the planting of olive trees, on Human Rights Day."

Also on 10 December, in Jalazone refugee camp in the West Bank, Israeli security forces reportedly shot a 14-year-old

Palestinian boy in the head with live ammunition, leaving him seriously wounded, during protests triggered by the death of Ziad Abu Ein.

"The wounding of this child must also be properly investigated," High Commissioner Zeid said, noting that reports of excessive use of force by Israeli security forces, which have resulted in the deaths, including of children, in the Occupied Palestinian Territory, have risen sharply. This year alone, there have been at least 50 Palestinian fatalities in incidents involving Israeli security forces in the West Bank, including East Jerusalem. This is almost double the 27 Palestinian fatalities that occurred in 2013 in similar circumstances.

"This continuous stream of fatal incidents underscores the need for effective accountability measures," the High Commissioner said. "I note that the Israeli Defence Forces have said they have launched an investigation into the circumstances of Abu Ein's death. I welcome that, but would like to stress that this investigation – and all others involving possible excessive use of force -- should be thorough, effective, independent and impartial. It must also be quick and utterly transparent if people are to have faith in its findings.

"Peaceful protest is a human right, and security forces must exercise appropriate restraint when policing protests in accordance with international standards," High Commissioner Zeid added. "Because of the well-established illegal nature of the Israeli settlements in the West bank and East

Jerusalem, such protests will inevitably continue.”

The settlements are in violation of Article 49 of the Fourth Geneva Convention, which establishes that the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.

The Security Council, the General Assembly, the Human Rights Council and the International Court of Justice have all confirmed that the construction and expansion of Israeli settlements and other settlement-related activities in the Occupied Palestinian Territory are illegal under international law.

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

On 18 December 2014, the General Assembly considered the report of the Third Committee (A/69/487), under agenda item 68, entitled “Right of the peoples to self-determination” and adopted resolution 69/165. The text of the resolution is reproduced below:

69/165. The right of the Palestinian people to self-determination

The General Assembly,

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

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

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

Conference on Human Rights on 25 June 1993,⁴

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

Recalling also the United Nations Millennium Declaration,⁶

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

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the

¹ Resolution 2200 A (XXI), annex.

² Resolution 217 A (III).

³ Resolution 1514 (XV).

⁴ A/CONF.157/24 (Part I), chap. III.

⁵ Resolution 50/6.

⁶ Resolution 55/2.

⁷ See A/ES-10/273 and Corr.1.

⁸ Ibid., advisory opinion, para. 88.

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,⁹

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967 and a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides, based on the relevant resolutions of the United Nations, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative¹⁰ and the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,¹¹

Stressing also the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the

Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard its resolution 58/292 of 6 May 2004,

Recalling its resolution 68/154 of 18 December 2013, *Taking note* of its resolution 67/19 of 29 November 2012,

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

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

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

*73rd plenary meeting
18 December 2014*

⁹ Ibid., para. 122.

¹⁰ A/56/1026-5/2002/932, annex II, resolution 14/221.

¹¹ S/2003/529, annex.

XII. BUREAU OF THE PALESTINIAN RIGHTS COMMITTEE WELCOMES DECLARATION OF THE CONFERENCE OF THE HIGH CONTRACTING PARTIES TO THE FOURTH GENEVA CONVENTION

On 18 December 2014, the Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People issued the following statement (GA/PAL/1323):

The Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People expresses its appreciation to the Government of Switzerland, the depository of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, for the convening on 17 December of the Conference of High Contracting Parties on the situation in the Occupied Palestinian Territory. It wishes to acknowledge all participating High

Contracting Parties, including for the first time the State of Palestine, for this important initiative.

The Bureau of the Committee has repeatedly called for such a Conference to take place. It considers the holding of this Conference an important step in ensuring respect for the provisions of the Convention, bearing in mind the numerous and ongoing violations by the occupying Power that have caused such suffering and hardship for the Palestinian

people under occupation and have obstructed a peaceful and just solution to this prolonged conflict.

The Bureau welcomes the Declaration reflecting the common understanding reached by the participating High Contracting Parties to the Conference, which reiterates the need “to fully respect the fundamental principles of international humanitarian law, according to which all parties to the conflict, and as such also non-State actors, must respect, at all times, inter alia, (1) the obligation to distinguish between civilians and combatants and between civilian objects and military objectives, (2) the principle of proportionality, and (3) the obligation to take all feasible precautions to protect civilians and civilian objects.” The Declaration also emphasizes that “no violation of international humanitarian law by any party to a conflict can relieve the other party from its own obligations under international humanitarian law.” The Bureau strongly supports this position.

Last summer’s so-called “Operation Protective Edge” carried out by Israel against the Gaza Strip resulted in the death of more than 2,205 Palestinians, among them 1,483 civilians, including more than 521 children and 283 women, a clear violation of Israel’s obligations as the occupying Power to protect the civilian population under its occupation and to ensure their dignity and well-being.

Grave breaches of the Convention also took place against the wounded and the sick and against hospitals, medical and humanitarian personnel, including 11 staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and established

safety zones on the compounds of UN schools, violating Articles 14, 16 and 18. More generally, Israel’s so-called “Operation Protective Edge” has severely exacerbated an already dire socioeconomic and humanitarian situation for the Palestinian civilian population in Gaza, deepening the suffering inflicted by the nearly eight-year Israeli blockade of the Gaza Strip, constituting collective punishment in direct violation of Article 33 of the Convention.

The Bureau further welcomes the participating High Contracting Parties’ recalling “the primary obligation of the Occupying Power to ensure adequate supplies of the population of the occupied territory and that whenever it is not in a position to do so, it is under the obligation to allow and facilitate relief schemes.” This is especially applicable to Gaza, where the reconstruction efforts, under the umbrella of the temporary Gaza Reconstruction Mechanism, have begun, but transfer of materiel via the Israeli-controlled access routes are still significantly below what is both necessary and practicable to address the urgent needs of the population, especially for shelter, in light of the widespread damages caused by the Israeli military operations, which resulted in the destruction of at least 20,000 Palestinian homes, rendering 110,000 people homeless.

The Bureau also wishes to point to the Declaration’s reaffirmation that the Israeli occupation of Palestinian lands, including the closure of the Gaza Strip, and the Israeli settlements on occupied Palestinian lands are illegal, as is the transfer of Palestinian prisoners into the territory of Israel, the occupying Power. The Declaration also affirms that the

construction of the Wall on occupied land is contrary to international law, as determined by the International Court of Justice in its Advisory Opinion of 9 July 2004.

The Bureau considers that Israel, as the occupying Power, is in direct violation of the Convention's provisions and must be held to account by the High Contracting Parties. Abrogating this responsibility has direct consequences for the global application of the rule of law and the credibility of international law at a time when High Contracting Parties are

seeking to strengthen these very institutions. In this regard, the Bureau welcomes that the Declaration by the participating High Contracting Parties calls for an investigation of all serious violations of international humanitarian law and that "all those responsible should be brought to justice".

The Bureau calls on the High Contracting Parties to assume their responsibility and to take effective measures to respect and ensure respect for the Convention under all circumstances.

XIII. GENERAL ASSEMBLY ADOPTS RESOLUTION ON THE PERMANENT SOVEREIGNTY OF THE PALESTINIAN PEOPLE AND OF THE ARAB POPULATION OVER THEIR NATURAL RESOURCES

On 19 December 2014, the General Assembly adopted resolution 69/241 on the "Permanent sovereignty of the Palestinian people in the occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" (A/RES/69/241). The text of the resolution is reproduced below:

The General Assembly,

Recalling its resolution 68/235 of 20 December 2013, and taking note of Economic and Social Council resolution 2014/26 of 16 July 2014,

Recalling also its resolutions 58/292 of 6 May 2004 and 59/251 of 22 December 2004,

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

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

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

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

Recalling, in this regard, the International Covenant on Civil and Political Rights² and the International Covenant on Economic, Social and Cultural Rights,² and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem, as well as in the occupied Syrian Golan,

¹ United Nations, *Treaty Series*, vol. 75, No. 973.

² See resolution 2200 A (XXI), annex.

Recalling also the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,³ and recalling further its resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Recalling further its resolution 67/19 of 29 November 2012,

Taking note of the accession by Palestine, on 1 April 2014, to several human rights treaties and the core humanitarian law treaties,

Expressing its concern about the exploitation by Israel, the occupying Power,

of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing its grave concern about the extensive destruction by Israel, the occupying Power, of agricultural land and orchards in the Occupied Palestinian Territory, including the uprooting of a vast number of fruit-bearing trees and the destruction of farms and greenhouses, and the grave environmental and economic impact in this regard,

Expressing its grave concern also about the widespread destruction caused by Israel, the occupying Power, to vital infrastructure, including water pipelines, sewage networks and electricity networks, in the Occupied Palestinian Territory, in particular in the Gaza Strip during the military operations of July and August 2014, which, inter alia, pollutes the environment and negatively affects the functioning of water and sanitation systems and the water supply and other natural resources of the Palestinian people, and stressing the urgency of the reconstruction and development of water

and other vital civilian infrastructure, including the project for the desalination facility for the Gaza Strip,

Expressing its grave concern further about the negative impact on the environment and on reconstruction and development efforts of the thousands of items of unexploded ordnance that remain in the Gaza Strip as a result of the conflict in July and August 2014,

Recalling, in this regard, the 2009 report by the United Nations Environment Programme regarding the grave environmental situation in the Gaza Strip, and the 2012 report, “Gaza in 2020: A liveable place?”, by the United Nations country team in the Occupied Palestinian Territory, and stressing the need for follow-up to the recommendations contained therein,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard,

Recalling the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,⁴

Aware of the detrimental impact on Palestinian natural resources being caused by the unlawful construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and of its grave

³ See A/ES-10/273 and Corr.1.

⁴ A/HRC/22/63.

effect as well on the economic and social conditions of the Palestinian people,

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967 and a just, lasting and comprehensive peace settlement on all tracks, on the basis of Security Council resolutions 242 (1967), 338 (1973) of 22 October 1973, 425 (1978) of 19 March 1978 and 1397 (2002) of 12 March 2002, the principle of land for peace, the Arab Peace Initiative⁵ and the Quartet performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict,⁶ as endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003 and supported by the Council in its resolution 1850 (2008) of 16 December 2008,

Stressing also, in this regard, the need for respect for the obligation upon Israel under the road map to freeze settlement activity, including so-called “natural growth”, and to dismantle all settlement outposts erected since March 2001,

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

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

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

population in the occupied Syrian Golan, as transmitted by the Secretary-General,⁷

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

2. *Demands* that Israel, the occupying Power, cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

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

4. *Stresses* that the wall and settlements being constructed by Israel in the Occupied Palestinian Territory, including in and around East Jerusalem, are contrary to international law and are seriously depriving the Palestinian people of their natural resources, and calls in this regard for full compliance with the legal obligations affirmed in the 9 July 2004 advisory opinion of the International Court of Justice³ and in relevant United Nations resolutions, including General Assembly resolution ES-10/15;

5. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law,

⁵ A/56/1026-5/2002/932, annex II, resolution 14/221.

⁶ S/2003/529, annex.

⁷ A/69/81-E/2014/13.

including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

6. *Also calls upon* Israel, the occupying Power, to bring a halt to all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials, in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian populations;

7. *Calls upon* Israel to cease its destruction of vital infrastructure, including water pipelines, sewage networks and electricity networks, which, inter alia, has a negative impact on the natural resources of the Palestinian people, stresses the urgent need to advance reconstruction and development projects in this regard, including in the Gaza Strip, and calls for support for the necessary efforts in this regard, in line with the commitments made

at, inter alia, the Cairo International Conference on Palestine: Reconstructing Gaza, held on 12 October 2014;

8. *Calls for* the immediate and safe removal of all unexploded ordnance in the Gaza Strip and for support for the efforts of the United Nations Mine Action Service in this regard;

9. *Requests* the Secretary-General to report to the General Assembly at its seventieth session on the implementation of the present resolution, including with regard to the cumulative impact of the exploitation, damage and depletion by Israel of natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and decides to include in the provisional agenda of its seventieth session the item entitled “Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources”.

*75th plenary meeting
19 December 2014*

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

On 19 December 2014, the General Assembly considered agenda item 69 (b), entitled “Assistance to the Palestinian people”, and adopted resolution 69/242 without a vote. The text of the resolution is reproduced below (A/RES/69/242):

69/242. Assistance to the Palestinian people

The General Assembly,

Recalling its resolution 68/100 of 13 December 2013, as well as its previous resolutions on the question,

Recalling also the signing of the Declaration of Principles on Interim Self-Government Arrangements in

Washington, D.C., on 13 September 1993, by the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,¹ and the subsequent

¹ A/48/486-S/26560, annex.

implementation agreements concluded by the two sides,

Recalling further all relevant international law, including humanitarian and human rights law, and, in particular, the International Covenant on Civil and Political Rights,² the International Covenant on Economic, Social and Cultural Rights,² the Convention on the Rights of the Child³ and the Convention on the Elimination of All Forms of Discrimination against Women,⁴

Gravely concerned at the difficult living conditions and humanitarian situation affecting the Palestinian people, in particular women and children, throughout the occupied Palestinian territory, particularly in the Gaza Strip where economic recovery and vast infrastructure repair, rehabilitation and development are urgently needed, especially in the aftermath of the conflict of July and August 2014,

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

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

² See resolution 2200 A (XXI), annex.

³ United Nations, *Treaty Series*, vol. 1577, No. 27531.

⁴ *Ibid.*, vol. 1249, No. 20378.

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

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

Emphasizing the importance of the safety and well-being of all people, in particular women and children, in the whole Middle East region, the promotion of which is facilitated, inter alia, in a stable and secure environment,

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

Conscious of the urgent necessity for international assistance to the Palestinian people, taking into account the Palestinian priorities, and recalling in this regard the National Early Recovery and Reconstruction Plan for Gaza,

Expressing grave concern about the grave humanitarian situation in the Gaza Strip, and underlining the importance of emergency and humanitarian assistance and the need for the advancement of reconstruction in the Gaza Strip,

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

Underlining the importance of the Cairo International Conference on Palestine: Reconstructing Gaza, held on 12 October 2014, and urging the timely and full disbursement of pledges for expediting the provision of humanitarian assistance and the reconstruction process,

Recalling the International Donors' Conference for the Palestinian State, held in Paris on 17 December 2007, the Berlin Conference in Support of Palestinian Civil Security and the Rule of Law, held on 24 June 2008, the Palestine Investment Conferences, held in Bethlehem from 21 to 23 May 2008 and on 2 and 3 June 2010, and the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza, held in Sharm el-Sheikh, Egypt, on 2 March 2009,

Welcoming the ministerial meetings of the Conference on Cooperation among East Asian Countries for Palestinian Development, convened in Tokyo in February 2013 and in Jakarta in March 2014, as a forum for the mobilization of political and economic assistance, including through exchanges of expertise and lessons learned, in support of Palestinian development,

Welcoming also the latest meetings of the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians, held in Brussels on 19 March 2013 and in New York on 25 September 2013 and 22 September 2014,

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

Welcoming the implementation of the Palestinian National Development Plan 2011–2013 on governance, economy, social development and infrastructure and the adoption of the Palestinian National Development Plan 2014–2016: State-building to Sovereignty, and stressing the need for continued international support for the Palestinian State-building process, as outlined in the summary by the Chair of the meeting of the Ad Hoc Liaison Committee held on 22 September 2014,

Stressing the need for the full engagement of the United Nations in the process of building Palestinian institutions and in providing broad assistance to the Palestinian people,

Recognizing, in this regard, the positive contribution of the United Nations Development Assistance Framework, which is aimed, inter alia, at enhancing developmental support and assistance to the Palestinian people and strengthening institutional capacity in line with Palestinian national priorities,

Welcoming steps to ease the restrictions on movement and access in the West Bank, while stressing the need for further steps to be taken in this regard, and recognizing that such steps would improve living conditions and the situation on the ground and could promote further Palestinian economic development,

Welcoming also the tripartite agreement facilitated by the United Nations regarding access to the Gaza Strip, and calling for its full implementation and for complementary measures that address the need for a fundamental change in policy that allows for the sustained and regular opening of the border crossings for the movement of

persons and goods, including for humanitarian and commercial flows and for the reconstruction and economic recovery of Gaza,

Stressing that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip and ensure the safety and well-being of civilians on both sides,

Stressing also the urgency of reaching a durable solution to the crisis in Gaza through the full implementation of Security Council resolution 1860 (2009) of 8 January 2009, including by preventing the illicit trafficking in arms and ammunition and by ensuring the sustained reopening of the crossing points on the basis of existing agreements, including the 2005 Agreement on Movement and Access between the Palestinian Authority and Israel,

Stressing, in this regard, the importance of the effective exercise by the Palestinian Authority of its full government responsibilities in the Gaza Strip in all fields, including through its presence at the Gaza crossing points,

Noting the active participation of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority in the activities of the Special Envoys of the Quartet,

Reaffirming the necessity of achieving a comprehensive resolution of the Arab-Israeli conflict in all its aspects, on the basis of relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003, 1850 (2008) of 16 December 2008 and 1860 (2009), as well as the terms of reference of the Madrid Conference and the principle of land for peace, in order to ensure a political solution, with two States — Israel and an independent, democratic, contiguous, sovereign and viable Palestinian State — living side by side in peace and security and mutual recognition,

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XV. SECURITY COUNCIL FAILS TO ADOPT DRAFT RESOLUTION CALLING ON ISRAEL TO END OCCUPATION

On 30 December 2014, the UN Security Council convened a meeting to vote on a draft resolution contained in document S/2014/916. The following press release was issued at the end of the meeting (SC/11722):

The Security Council today failed to adopt a draft resolution calling for Israel, within three years, to withdraw from Palestinian territory occupied since 1967 and, within one year, for a negotiated solution to the conflict.

The long-anticipated draft drew the support of just eight countries — Argentina, Chad, Chile, China, France, Jordan, Luxembourg, Russian Federation — shy of the 9 required for its adoption. It outlined a solution which fulfilled the vision of two independent, democratic and prosperous

States — Israel and a sovereign, contiguous and viable State of Palestine — living side by side in peace and security in mutually and internationally recognized borders.

The text also envisaged a “just solution” to the status of Jerusalem as the capital of the two States and to the question of Palestinian refugees as well as to all other outstanding issues, including control of water resources and the fate of prisoners in Israeli jails. Security arrangements for the transition would have required a “third-party presence”.

Five Council members had abstained in the vote — United Kingdom, Nigeria, Republic of Korea, Rwanda and Lithuania, while two opposed it — the United States and Australia.

Explaining her vote, the delegate from the United States called the text a unilateral action that would not help to bring about resumed direct negotiations, a goal her country had made strenuous efforts to achieve. The text sought to impose a solution put forward by one party alone and set the stage for more division, not compromise. She agreed the status quo was unsustainable and pledged her country’s continued support to the parties, while opposing actions that were detrimental to peace, whether settlement activities or unilateral resolutions.

Jordan’s representative, on the other hand, said that all elements of the resolution were based on previous texts supported by the Council and were acceptable to the international community as a whole. She had submitted the draft on behalf of the Arab Group because it was critical that the Council act on legitimate Palestinian aspirations that had been made less attainable by Israeli practices. Stressing that the status quo was unacceptable, she

pledged her country’s continued efforts to help bring about a just and lasting solution. Following those explanations, the Permanent Observer of the State of Palestine asked why it was so impossible for the Council to act, given the worldwide consensus on the need to bring about self-determination for Palestinians through peaceful means. Given the rejection, the Palestinian leadership would now have to consider its next steps to make peace a reality. He reiterated the need, as part of that effort, to bring Israel to account for its illegal practices.

The representative of Israel said the Palestinians had found every opportunity to avoid direct negotiations with his country, including the “preposterous” unilateral resolution. He said it was time for the Palestinians to end their “folly”.

Also explaining their votes were the Minister for Foreign Affairs of Luxembourg, as well as representatives of Luxembourg, United Kingdom, France, Russian Federation, Australia, Chile, Nigeria, Republic of Korea, China, Rwanda, Lithuania, Argentina and Chad.

The meeting began at 5:15 p.m. and ended at 6:30 p.m.

Statements

DINA KAWAR (Jordan) said she had submitted the draft on behalf of the Arab Group and based on the belief that the Council must act on legitimate Palestinian aspirations in accordance with its resolutions. Her country was and would remain in the forefront of those who defended the rights of Palestinians. The Council bore both the legal and moral responsibilities to help resolve the conflict; all elements of the text were acceptable to the international community as a whole. The

fact that it was not adopted would not stop Jordan from its assiduous work to bring about negotiations within a reasonable timeframe and resolve all outstanding issues in line with Jordanian interests. The draft must not be interpreted in any way as a change of Jordan's position or a unilateral step. Rather, it was an attempt to end the blockages placed by Israel and all actions on the ground that every day made the two-State solution less achievable. The status quo could not continue; all efforts to achieve a just and lasting solution must be made until there was a viable Palestinian State.

SAMANTHA POWER (United States), stressing the magnitude of the efforts of her country to support the Palestinian and Israeli parties in reaching a negotiated settlement, said that the draft today was not a constructive step towards that end as it addressed the concerns of only one side and included deadlines that did not take into account Israel's security needs. In addition, there had been little consultation on the draft, which was highly unusual. "Peace will come from hard choices and compromises that must come at the negotiating table," she said. The resolution, however, set the stage for more division, not compromise. Her country remained committed to achieving two States for two peoples, with a viable Palestine living side-by-side with Israel. Concurring that the status quo was unsustainable, she said that her country would continue to support the parties and oppose actions that were detrimental to the cause of peace, whether settlement action or unilateral resolutions. The vote today should serve as a wake-up call for redoubled efforts to find a path forward to provide a horizon of hope for Palestinians and Israelis alike.

JEAN ASSELBORN, Minister for Foreign Affairs, Luxembourg, said that after a volatile summer and a bleak political horizon, it was now time for bold and

concrete measures. The two-State solution was the only solution politically and morally, a notion reflected in his country's vote in favour of the draft resolution. To save the two-State solution, it was imperative to learn from lessons of the past, and the Security Council must, towards that end, play a more active role. Today's vote was an expression of a conviction that the two-State solution did not have an indefinite timeframe, he said, appealing to all parties to choose a path of reconciliation and negotiation. Regretting the Council's failure to adopt the resolution, he voiced hoped that discussions and work would resume on establishing a just and durable peace and that 2015 would not be a wasted year for peace in the Middle East.

MARK LYALL GRANT (United Kingdom) said the view about the unsustainability of the status quo as a lasting solution was long overdue. Direct negotiations needed to be on the basis of clear international parameters and the idea of a Council resolution that set out such measures was welcomed. Yet, agreeing on such a text required proper timing and he voiced his disappointment that the normal and necessary negotiations had failed to take place concerning the draft resolution. He also expressed his deep regret at having to abstain on the text. Regarding the current situation, he underscored all settlement activities should cease immediately. Given that the draft had not been adopted, he said he would like to work with partners on drafting parameters on a resolution that would command full Security Council support.

FRANÇOIS DELATTRE (France) said threats were currently looming, including the illegal pursuit of settlements. The heart of the problem was the absence of a political solution that reflected the needs of both Israelis and Palestinians. He said he believed

in the possibility of a definitive and fair solution for both parties and that a method was needed to complement the major role played by Washington, D.C., the Arab League and the permanent Council members. His delegation had called upon the Council numerous times to pursue efforts towards peace so the body could become an actor and not a forum to veto efforts. There was urgency to act, he stressed, noting that his country had voted in favour of the resolution for those and other reasons. The text was not perfect, but the Council could and must set a clear timetable for negotiations, as that was essential to credible discussions. Although it was regrettable that it was not possible to reach consensus, he said he would continue to hope that efforts would continue towards progress in that area.

VITALY I. CHURKIN (Russian Federation) said he regretted that the Council was unable to adopt the draft resolution, which would strengthen the legal basis for negotiations. Recent events had demonstrated that the 70-year-old unresolved conflict was central to the destabilization of the whole region. In order to reinvigorate collective efforts, a greater profile of the Quartet was needed and the Security Council needed to be involved in the process, which would give negotiations an impetus to reach a just and final peaceful solution. Last year, the peace process had veered into a “blind alley”. Options in the future could include sending a Council mission to the region. Pointing out that illegal settlement construction had continued and was undermining negotiations on the two-State solution, he stressed that the inaction of the Council on that matter had doomed the “status quo” into a reality.

GARY QUINLAN (Australia) said that, regrettably, he had had to vote against the draft resolution because it would not help

the process of encouraging the parties to return to direct negotiations towards the two-State solution, to which his country remained committed. The text lacked balance and sought to impose a solution put forward by one party alone, he explained, stressing that final status issues could only be resolved by the two sides. He urged all parties to refrain from provocative actions and for leaders from both sides to show real courage in returning to the difficult path of peace negotiations.

CRISTIÁN BARROS MELET (Chile) said the Council resolution was a vehicle that could have contributed to a resumption of dialogue on peace and security. Assuming his country’s international responsibility, he had voted in favour of the text, he said, as the last few months, including the conflict in Gaza, had demonstrated that the status quo was “unsustainable”. Within the Council, there were views that the moment had not yet arrived to take action. He voiced support for the process in the Council; it was his conviction that a solution to the conflict required inclusive and realistic efforts by multiple actors that, directly or indirectly, could together facilitate a path to dialogue and peace.

U JOY OGWU (Nigeria) said that her country’s policy on the Middle East was based on international law and the need for a negotiated solution; it had consistently called on both sides to demonstrate greater flexibility for the purpose of negotiating a two-State solution, which was not replaceable. The only route to that goal was negotiation, and the time was ripe for both sides to return to the peace talks.

OH JOON (Republic of Korea), stressing his country’s support for the two-State solution and the aspirations of the Palestinian people for a State of their own, said that direct negotiations were needed to

achieve those goals. Unilateral actions by either party would be counterproductive, and in that light his country had abstained from today's vote. He urged both parties to return to the negotiating table, stressing that time was of the essence.

LIU JIEYI (China) said that today's draft was consistent with previous texts supported by the Council as well as with his country's consistent position on the Palestinian-Israeli question. Supporting the cause of the Palestinian people for realizing their legitimate rights, he hoped that the parties would resume negotiations as soon as possible, ending the current "deep stalemate". He called on the parties to end the cycle of violence and on the Council to intensify its efforts to bring about resumed talks and a just and lasting solution.

OLIVIER NDUHUNGIREHE (Rwanda) said his country regretted that despite efforts of regional actors there had yet to be a breakthrough. Any final statement in the Israeli-Palestinian conflict must be through negotiation, with the Council and other stakeholders stepping up their efforts towards finding a just and lasting solution. Unilateral initiatives could jeopardize an already fragile situation. A Security Council resolution, provided it was consensual, should help in that effort. The current text could not help parties to achieve their goals, he said, noting that a lack of a consensual process in the region and the current process in New York had led Rwanda to abstain from voting on the draft. The status quo was no longer an option. There was a unique window for parties to act, he said, pledging his country's utmost contribution towards a lasting solution.

NIDA JAKUBONĖ (Lithuania) expressed regret that she had had to abstain from voting on the resolution as most elements were a good basis for further

collective work in establishing parameters for Middle East peace negotiations. However, she stressed, any unilateral action was detrimental to the resumption of such negotiations. She called for an immediate return to direct talks as a matter of urgency because of heightened tensions and the need to fulfil the legitimate aspirations of both parties, including those of Israel for security and those of Palestinians for statehood. Leaders of both sides must show real leadership for that to happen.

MARÍA CRISTINA PERCEVAL (Argentina) said the history of the Palestinian people and United Nations resolutions were a reflection of the position taken by her country in today's vote. Regretting the Council's failure to adopt the draft resolution, she said "each of us must be responsible for the consequences of what just happened in this room."

Council President MAHAMAT ZENE CHERIF (Chad), speaking in his national capacity, said that his country had voted in favour of the draft resolution. He was deeply disappointed and regretted the rejection of that balanced and moderate text, which would have allowed the Council to finally put an end to interminable negotiations and to resolve the Israeli-Palestinian conflict. The text had clearly defined the parameters for a solution while respecting the sovereignty of the State of Palestine. In rejecting it, the Council had once more "missed a date with history" and had disappointed all of those who had been living without dignity and without a solution to the conflict. An opportunity had been given to the Council today, he said, to act and to give Palestinians a ray of hope, but the international public opinion today was witnessing a sad reality. In closing, he said there was no alternative to a two-State solution.

RIYAD MANSOUR, Permanent Observer of the State of Palestine, said the Security Council had once again failed to uphold its Charter duties to address the current crisis. As the Council looked on, Palestinians had in the last year suffered under brutal conditions, including aggression and blockades against Gaza, which had deepened the decades-long injustice and taken them farther away from the realization of a just, lasting and comprehensive peace on the basis of international law and relevant United Nations resolutions. Today's resolution had been meant to mobilize the Council to act to defuse the volatile situation and, among other things, to provide a political horizon forward that could restore hope to his people for the end of the 47-year-old Israeli military occupation.

While thanking Member States for their support, he deeply regretted that the Council had been unable to adopt the text despite four months of efforts, patience and flexibility. The draft reflected the longstanding international consensus on a solution for the Israeli-Palestinian conflict; it supported two States living side-by-side in peace and security, yet the voting results today showed that the Council as a whole

was clearly not ready and willing to shoulder its responsibilities in a way that would allow the adoption of a comprehensive settlement and open the doors for peace based on international law. It also had shown that the Council was out of step with the overwhelming global consensus and calls for an end to Israeli occupation.

He asked why it was so difficult for the Security Council to act on a global consensus and demand an end to Israel's illegal actions and occupation, and the implementation of the two-State solution. Given the current unsustainable and precarious situation, the Palestinian leadership must now consider its next steps. It was imperative that Israel be held accountable for its violations of international law and United Nations resolutions. "The Palestinian people and the world can no longer wait," he said, adding, "that message, despite the regrettable outcome today, is especially clear".

ISRAEL NITZAN (Israel) said the Palestinians had found every opportunity to avoid direct negotiations with his country, including the "preposterous" unilateral resolution. He said it was time for the Palestinians to end their "folly".