



DIVISION FOR
PALESTINIAN RIGHTS

Bulletin

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

January 2015
Volume XXXVIII, Bulletin No. 1

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I. SECRETARY-GENERAL CIRCULATES THE DECLARATION OF THE CONFERENCE OF THE HIGH CONTRACTING PARTIES TO THE FOURTH GENEVA CONVENTION

On 9 January 2015, United Nations Secretary-General Ban Ki-moon circulated, as documents of the General Assembly and the Security Council, a letter from the Permanent Representative of Switzerland to the United Nations, Ambassador Paul Seger, and the annex to the letter, which contained the Declaration of the Conference of High Contracting Parties to the Fourth Geneva Convention adopted on 17 December 2014. The letter and the annex are reproduced below (A/69/711-S/2015/1):

Letter dated 29 December 2014 from the Permanent Representative of Switzerland to the United Nations addressed to the Secretary-General

By note verbale of 22 July 2014, Switzerland, in its capacity as depositary of the Geneva Conventions, notified the High Contracting Parties that consultations on the possible convening of a conference of High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War would resume, in accordance with paragraph 5 of General Assembly resolution 64/10 and in the light of the various reports prepared by the depositary regarding the implementation of this recommendation. As indicated in the report of the United Nations High Commissioner for Human Rights of 7 October 2014 (A/HRC/27/76), in response to a request for additional information in respect of Human Rights Council resolution S-21/1, Switzerland also informed the Office of the United Nations High Commissioner for Human Rights about the resumption of consultations.

From 28 July to 3 December 2014, Switzerland, through its Permanent Mission in Geneva, held extensive consultations with a broad cross section of High Contracting Parties from all geographic regions, emphasizing its willingness to engage in bilateral dialogue with any other Party that so wished. It also consulted with international stakeholders, such as the International Committee of the Red Cross (ICRC). The consultations focused on the

desirability of holding the conference as well as its objective, agenda and modalities. Acting as an impartial facilitator, Switzerland thus sought to determine the will of the High Contracting Parties to the Geneva Conventions. In accordance with existing practice, the depositary conducted these consultations on the understanding that the proposed conference should be inclusive and constructive and have the objective of strengthening respect for international humanitarian law. Based on the comments and contributions of the High Contracting Parties, international humanitarian law and the two previous conferences held in 1999 and 2001, a draft declaration and draft modalities were developed with the goal of reflecting the views of as many of the High Contracting Parties as possible.

In accordance with the agreed modalities, the final draft declaration would be presented for adoption by consensus, without a vote. The Parties should be represented at the level of permanent representatives of the permanent missions in Geneva. Only statements by established groups would be accepted. National statements could not be delivered in the plenary but could be transmitted in writing to the depositary up to 24 hours before the start of the conference. The modalities also stated that the conference would be closed to the public and the media; only selected organizations would be invited to participate as observers.

On 9 December 2014, the depositary found that a critical mass of High

Contracting Parties from across regions supported the organization of a conference on the basis of the modalities and the text of the final draft declaration. Therefore, by note verbale of 10 December, the depositary notified all of the High Contracting Parties that a conference would take place. A small number of States Parties expressed their opposition to the holding of a conference and did not participate.

On 17 December 2014, 128 High Contracting Parties participated in the Conference of High Contracting Parties to the Fourth Geneva Convention, held at the World Meteorological Organization in Geneva, and adopted by consensus a 10-point declaration (see annex). The depositary and representatives of ICRC and the United Nations Relief and Works Agency for Palestine Refugees in the Near East delivered statements and several High Contracting Parties spoke on behalf of established groups. The depositary will soon transmit the official conference documents to all High Contracting Parties. This concludes the actions of the depositary in respect of the recommendation set out in paragraph 5 of General Assembly resolution 64/10.

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-ninth session of the General Assembly, under agenda item 63, and of the Security Council.

(Signed)

Paul Seger
Ambassador
Permanent Representative

Annex to the letter dated 29 December 2014 from the Permanent Representative of Switzerland to the United Nations addressed to the Secretary-General

Declaration of 17 December 2014 adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention

1. This Declaration reflects the common understanding reached by the participating High Contracting Parties to the Conference of High Contracting Parties to the Fourth Geneva Convention on 17 December 2014, mindful of the recommendation by the United Nations General Assembly in resolution 64/10 of 1 December 2009.

2. The participating High Contracting Parties reaffirm the statement of the Conference of High Contracting Parties to the Fourth Geneva Convention of 15 July 1999 and the Declaration of 5 December 2001.

3. The participating High Contracting Parties reiterate 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. In addition, the participating High Contracting Parties emphasize 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.

4. The participating High Contracting Parties emphasize the continued applicability and relevance of the Fourth Geneva Convention, which all High Contracting Parties have undertaken to respect and to ensure respect for in all

circumstances. As such, they call on the occupying Power to fully and effectively respect the Fourth Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem. They also remind the occupying Power of its obligation to administer the Occupied Palestinian Territory in a way which fully takes into account the needs of the civilian population while safeguarding its own security, and notably preserve its demographic characteristics.

5. The participating High Contracting Parties recall 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. In that case, they further recall that all High Contracting Parties shall permit the free passage of humanitarian relief and shall guarantee its protection. In this regard, the participating High Contracting Parties reiterate their support to the activities of the International Committee of the Red Cross, within its particular role conferred upon it by the Geneva Conventions, of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and of other impartial humanitarian organizations, to assess and alleviate the humanitarian situation in the field. Beyond, all parties to the conflict, and as such also non-State actors, should make all possible efforts to allow and facilitate rapid and unimpeded passage of humanitarian relief for the population of the occupied territory.

6. The participating High Contracting Parties emphasize that all serious violations of international humanitarian law must be investigated and that all those responsible should be brought to justice.

7. The participating High Contracting Parties express their deep concern about recurring violations of international humanitarian law by all parties to the conflict, and as such also by non-State actors, including in the context of military operations and attacks directed against and emanating from the Occupied Palestinian Territory since the Conference of High Contracting Parties on 5 December 2001 and the resulting great suffering of the civilian population. They are particularly concerned about the number of victims among the civilian population in densely populated areas.

8. The participating High Contracting Parties express their deep concern about the impact of the continued occupation of the Occupied Palestinian Territory. They recall that, according to the advisory opinion of the International Court of Justice of 9 July 2004, the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, at least insofar as it deviates from the Green Line, and its associated regime, are contrary to international humanitarian law. They equally express their deep concern, from an international humanitarian law standpoint, about certain measures taken by the occupying Power in the Occupied Palestinian Territory, including the closure of the Gaza Strip. They reaffirm the illegality of the settlements in the said territory and of the expansion thereof and of related unlawful seizure of property as well as of the transfer of prisoners into the territory of the occupying Power.

9. With regard to the conduct of hostilities, the participating High Contracting Parties underscore that the following acts are, among others, prohibited by international humanitarian law for all parties to the conflict, and as such also for non-State actors: (1) indiscriminate attacks

of any kind, including attacks which are not directed at specific military objectives, and the employment of a method or means of combat which cannot be directed at a specific military objective or whose effects do not meet the requirements of the principles mentioned in paragraph 3 of this Declaration; (2) disproportionate attacks of any kind, including excessive destruction of civilian infrastructure; (3) destruction of property, carried out inconsistently with the principles mentioned in paragraph 3 of this Declaration; (4) attacks against protected persons and objects, including medical buildings, material, transports, units and personnel, as well as humanitarian personnel

and objects, unless and for such time as they have lost their protection against direct attack; (5) attacks against civilian objects, including schools, unless and for such time as they are military objectives; (6) the location of military objectives in the vicinity of civilians and civilian objects, when it would be avoidable and (7) the use of civilians as human shields.

10. The participating High Contracting Parties reiterate the need to find a peaceful solution to the conflict, and stress that respect for and implementation of the Fourth Geneva Convention and international humanitarian law in general is essential to achieve a just and lasting peace.

II. HIGH COMMISSIONER FOR HUMAN RIGHTS SUBMITS REPORT ON IMPLICATIONS OF ISRAELI SETTLEMENTS

Pursuant to Human Rights Council resolution 25/28, United Nations High Commissioner for Human Rights Ziad Ra'ad Al Hussein submitted a report on 12 January 2015 to the 28th session of the Human Rights Council on the status of implementation of the recommendations contained in the report of the independent international fact-finding mission on the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem (A/HRC/22/63). Section III of the High Commissioner's report (A/HRC/28/43), entitled "Status of implementation of the recommendations of the fact-finding mission", is reproduced below:

A. Israeli settlement activity and recourse to remedy for Palestinians

7. As noted in the report of the Secretary-General on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan submitted to the General Assembly at its sixty-ninth session (A/69/348), Israel continues to expand existing settlements in occupied territory and to advance new settlements in the West Bank, including East Jerusalem.² Settlements are directly linked to a broad range of violations of the human rights of

Palestinians, including their rights to non-discrimination, liberty, security of person and fair trial, freedom of movement, adequate housing, health, education, work and an adequate standard of living.³

8. Reportedly, between 1 November 2013 and 31 October 2014, 4,554 housing units were tendered in Israeli settlements in the West Bank, including East Jerusalem, and 10,183 housing units advanced in the planning process towards realization,

³ A/69/348, para. 11.

² See A/HRC/28/44.

including 6,042 in the West Bank and 4,141 in East Jerusalem.⁴

9. In late September 2014, the number of settlers in the Silwan area of East Jerusalem increased after settlers moved into six houses, ostensibly after having purchased them, although this is reportedly disputed by some of the Palestinian owners.⁵ New settlements in the West Bank in 2014 included the long-disputed Al-Rajabi house in Hebron, capable of housing 40 families, and the settlement of Leshem, near Salfit in the central West Bank.⁶

10. In a briefing to the Security Council on 17 November 2014, the Interim Assistant Secretary-General for Political Affairs noted that despite the “unanimous opposition to increased settlement activity expressed in the recent Security Council session on Jerusalem, plans have since been advanced to build some 500 residential units in the settlement of Ramat Shlomo. In addition, 28 new building permits and 200 new residential units were approved in the settlement of Ramot, in East Jerusalem.”⁷ Illegal Israeli settlement activity in East Jerusalem is one contributing factor to the volatile situation there.⁸

11. As reported to the twenty-fifth session of the Human Rights Council (A/HRC/25/39), “the continued fragmentation of the West Bank, including East Jerusalem, through Israeli settlement

expansion has gone hand-in-hand with the construction of the wall, the destruction of Palestinian-owned property and the forcible displacement of Palestinian civilians, including Bedouin communities”. At the time of writing, an Israeli plan was being advanced to move Bedouin and herder communities from the East Jerusalem periphery and Jordan Valley to three allocated sites.⁹ On 21 October 2014, the Secretary-General expressed his concern over this plan, stating that “if implemented in a forcible manner, [it] would be contrary to international human rights and humanitarian law”.¹⁰ The risk of forced eviction and forcible transfer of these communities appeared imminent. Reportedly, demolitions of buildings belonging to these Bedouin communities were ongoing.¹¹ It is moreover of concern that the plan may enable additional expansion of illegal settlements in the Occupied Palestinian Territory and may further undermine the possibility for the Palestinian people to realize their right to self-determination.

12. The Secretary-General has previously noted that land which is declared by Israel as State land is often allocated to settlements.¹² Large land appropriations in 2014, in the vicinity of Bethlehem, may facilitate future settlement expansion. On 25 August, the Israeli Civil Administration declared 3,799 dunums (930 acres) around the settlement of Gva’ot, near Bethlehem, as State land.¹³ This followed an earlier

⁴ A/HRC/28/44, section III (information from the Israeli non-governmental organization, Peace Now), and A/HRC/25/38, footnote 10.

⁵ A/HRC/28/44, section III, and Peace Now, “Settlers take over 6 houses in Silwan”, 30 September 2014 (available from http://peacenow.org.il/eng/Silwan_new_homes).

⁶ A/69/348, paras. 22 and 23 (source: Peace Now).

⁷ Delivered by Jens Toyberg-Frandzen, Assistant Secretary-General for Political Affairs ad interim.

⁸ Briefing to the Security Council on the situation in Jerusalem, 29 October 2014, delivered by Under-Secretary-General for Political Affairs, Jeffrey Feltman.

⁹ A/69/348, section N.A. Office for the Coordination of Humanitarian Affairs office in the occupied Palestinian territory (OCHA-oPt), Fact Sheet September 2014, “Bedouin Communities at risk of forcible transfer”.

¹⁰ Remarks to the Security Council on the situation in the Middle East. ii A/69/348, section N.A.

¹¹ A/69/348, section N.A.

¹² A/HRC/28/44, section IV, and A/69/348, para. 20.

¹³ A/HRC/28/44, section III, and OCHA, “Humanitarian Bulletin: Monthly Report — June-August 2014” (available from www.ochaopt.org/documents/ocha_opt_the_humanitarian_monit)

declaration of State land west of Bethlehem in April.¹⁴

13. In the 10 years since the International Court of Justice, in its advisory opinion of July 2004,¹⁵ conclusively found that the construction of the wall in occupied territory and settlements were illegal, the settler population in the West Bank, including East Jerusalem, has increased substantially.¹⁶ The advisory opinion noted that the wall “has been traced in such a way as to include within that area the great majority of the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem)” (para. 119).

14. In 2007, the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory was established by the General Assembly in its resolution ES-10/17. It is mandated to record “damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel ... in the Occupied Palestinian Territory, including in and around East Jerusalem”. According to the Register’s website, as of October 2014, it had collected more than 43,850 claims and over 650,000 supporting documents in the Occupied Palestinian Territory. At the time of writing, 15,798 of the collected claims had been reviewed by the Board of the Register and deemed valid for inclusion in the Register.¹⁷

B. Settler violence and accountability

15. As reported by the Secretary-General, “acts of violence by Israeli settlers

against Palestinians and their property continue to take place on a regular basis”.¹⁸

According to figures published by the Office for the Coordination of Humanitarian Affairs, as of 24 November 2014, the total number of settler violence incidents resulting in Palestinian injuries or damage to their property in 2014 was 304. This compares to 389 recorded incidents in the equivalent period of 2013.¹⁹ However, this relative decrease was accompanied by a significant increase in Palestinian deaths and injuries caused by Israeli Security Forces. The same period also saw a four-fold increase in violent incidents involving Palestinians leading to settler casualties or damage to property.²⁰

16. In October 2014, the Human Rights Committee issued its concluding observations on the fourth periodic report of Israel (CCPR/C/ISR/CO/4). Regarding settler violence, the Committee noted the establishment of an interministerial team to deal with ideologically motivated crimes, but was concerned at “the lack of effective accountability and protection” from settler violence. It recommended that Israel “strengthen its efforts with a view to ensuring that prompt, thorough, independent and impartial investigations are launched, in a non-discriminatory manner, into all incidents of violence by private actors against Palestinians and their property, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and victims are provided with effective remedies” (para. 16)

C. Palestinian detainees, including children in Israeli custody

or_2014_10_03_english.pdf).

¹⁴ A/HRC/28/44, section III, and A/69/348, para. 19.

¹⁵ A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

¹⁶ A/69/348, para. 10.

¹⁷ www.unrod.org (accessed November 2014).

¹⁸ A/69/348, section V, para. 37.

¹⁹ OCHA—oPt, “Protection of Civilians Weekly Report: 18-24 November 2014”. Available from www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_11_28_english.pdf.

²⁰ Ibid.

17. As concluded by the fact-finding mission, the existence of the settlements heavily impact a wide range of Palestinians' human rights, including their rights to equality, due process, fair trial, not to be arbitrarily detained, and liberty of person (A/HRC/22/63, para. 105). According to the Palestinian non-governmental organization Addameer, as at 1 October 2014, 6,500 Palestinians were in Israeli detention, including 500 in administrative detention on security grounds — held without charge or trial.²¹ The total number of Palestinian prisoners and detainees held by Israel was reportedly up by some 1,450 persons compared to the previous year.²² The summer of 2014 witnessed a period of mass arrests of Palestinians, especially following the kidnapping and murders of three Israeli youths in the occupied West Bank in June 2014. An estimated 1,100 to 1,500 Palestinians, including 300 children, were detained in the West Bank, including East Jerusalem, at some point between 12 June and mid-August 2014.²³

²¹ Addameer, "Monthly Detention Report —1 October 2014". Available from www.addameer.org/etemplate.php?id=729. Some Palestinians are held in Israeli detention centres and the Ofer prison in the Occupied Palestinian Territory, while others are transferred to Israeli interrogation centres and several prisons, within Israel, contrary to the [Fourth Geneva Convention](#) (see para. 4 above). Information available from www.addameer.org/etemplate.php?id=302.

²² Addameer, "Monthly Detention Report —1 October 2013". Available from www.addameer.org/etemplate.php?id=651. Figures may vary according to the source. Statistics on Palestinian prisoners are also available on website of the Israeli non-governmental organization, B'Tselem: www.btselem.org/statistics/detainees_and_prisoners. According to B'Tselem's figures, at the end of September 2014, there were 5,439 Palestinian so-called "security prisoners or detainees" in Israeli prisons, including 368 from the Gaza Strip. In addition, there were 1,231 Palestinians held in Israel for being in Israel illegally (accessed in November 2014).

²³ Addendum to the report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1: the human rights situation in the Occupied Palestinian Territory between 12 June and 26 August 2014, including the escalation in hostilities in between the State of Israel and Palestinian armed groups in

18. The Secretary-General has consistently called for administrative detainees to be formally charged or released without delay.²⁴ In April, a large group of Palestinian detainees went on hunger strike to protest the use by Israel of administrative detention. The number fluctuated, reaching several hundred between April and late June 2014 when the hunger strikers ended their protest.²⁵

19. In February 2013, the United Nations Children's Fund (UNICEF) issued a report, entitled "Children in Israeli Military Detention", which found that the ill-treatment of Palestinian children from the West Bank who come in contact with the Israeli military detention system appeared to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child's prosecution and eventual conviction and sentencing.²⁶ In an update report of October 2013, UNICEF referenced the commitment made by the Ministry of Foreign Affairs of Israel to study the recommendations and cooperate with UNICEF for their implementation.²⁷ However, treatment of Palestinian children in Israeli detention continues to be gravely worrying and in need of action to protect children's rights.²⁸ In its concluding observations, the Human Rights Committee expressed concern "that Palestinian children are still exposed to

Gaza, presented to the twenty-eighth session of the Human Rights Council, section A.

²⁴ A/69/347, section III.B.

²⁵ Ibid. Press release, "UN Special Committee concerned over deteriorating health of Palestinian detainees on mass hunger strike", Geneva/Cairo, 5 June 2014. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14665.

²⁶ Available from <http://unispal.un.org/UNISPALNSF/3822b5e39951876a85256b6e0058a478/1ee6b43ba34634f885257b260051c8ff?OpenDocument>.

²⁷ Available from www.unicef.org/oPt/UNICEF_oPt_Children_in_Military_detention_Bulletin_No_1_October_2013.pdf.

²⁸ A/69/355, paras. 25-32.

arbitrary arrest and detention” (CCPR/C/ISR/CO/4, para. 19). It further expressed concern “at reports of the use of torture and other ill-treatment in the State party’s detention facilities, including widespread, systematic and institutionalized ill-treatment of Palestinian children” and recommended that Israel “take robust measures to eradicate torture and ill-treatment against adult and child detainees” (para. 15).

D. Business and human rights in relation to the settlements

20. In its resolution 25/28, the Human Rights Council reiterated its call (made previously in resolution 22/29) 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 on the Guiding Principles on Business and Human Rights 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.

21. The international fact-finding mission recommended that the Working Group on the issue of human rights and transnational corporations and other business enterprises remained seized of the matter of corporate engagement with settlements (A/HRC/22/63, para. 117). On 6 June 2014, pursuant to Human Rights Council resolution 22/29, the Working Group on the issue of human rights and transnational corporations and other business enterprises issued a statement on the implications of the Guiding Principles on

Business and Human Rights in the context of Israeli settlements in the Occupied Palestinian Territory.²⁹

22. In the statement, the Working Group indicated that, in carrying out due diligence, in accordance with the Guiding Principles on Business and Human Rights, corporations should be cognizant of the illegal status of settlements under international law, and should be informed by the publicly available information about the relation between settlements and human rights violations in the Occupied Palestinian Territory. The Working Group further stated that the fact that the Occupied Palestinian Territory, including areas with settlements, was a conflict-affected area resulted in a heightened risk of negative human rights impacts which in turn required that companies act with heightened due diligence. The Working Group noted that where a business could not prevent or mitigate human rights risks, it might need to consider termination of operations (guiding principle 19).

23. In its report to the sixty-ninth session of the General Assembly, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories reported on information received regarding the continuing exploitation of natural resources in the Occupied Palestinian Territory by Israeli and foreign companies, and on corporate involvement in a number of Israeli measures with adverse human rights impacts, including involvement in Israeli settlements. It noted, as examples of corporate activities of concern from a business and human rights perspective, three companies with activities in the Occupied

²⁹ Available from www.ohchr.org/Documents/Issues/Business/OPTStatement6June2014.pdf.

³⁰ The companies mentioned were HeidelbergCement, G4S,

III. SECURITY COUNCIL HOLDS OPEN DEBATE ON THE SITUATION IN THE MIDDLE EAST, INCLUDING THE PALESTINIAN QUESTION

On 15 January 2015, the Security Council held an open debate on the situation in the Middle East, including the Palestinian question. The following are excerpts from the briefing by the Assistant Secretary-General a.i. for Political Affairs, Mr. Jens Anders Toyberg-Frandzen, and the statement delivered by the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Ambassador Fodé Seck of Senegal (S/PV.7360):

Briefing by Assistant Secretary-General a.i. Jens Anders Toyberg-Frandzen

As we commence a new year, I brief the Security Council today with a mounting sense of apprehension at the direction in which events are transpiring in the region.

Regrettably, since last month's briefing (see S/PV.7339), neither the Palestinians nor the Israelis have taken the challenging step or made the bold decision required to begin the process of reversing the ever-widening trust deficit between the two sides. Instead, we have witnessed developments that may unfortunately further reduce the likelihood of talks resuming in future.

On 30 December, a draft resolution (S/2014/916) was submitted to the Security Council seeking to reach a final status agreement and an end to the occupation by the end of 2017. The Secretary-General took note of the fact that the draft resolution failed to be adopted. However, he also believes that the status quo remains unacceptable and unsustainable, as stressed by many Council members during their statements after the voting (see S/PV.7354).

On the following day, President Abbas signed instruments of accession to 18 international treaties, including the Rome

Statute of the International Criminal Court. On 2 January, 16 instruments of accession were submitted to the Secretary-General, who accepted them in deposit, after having ascertained that the instruments received were in due and proper form. On 3 January, Israel decided to freeze approximately \$127 million in tax revenues collected on behalf of the Palestinian Authority for the month of December, contrary to Israel's obligations under the Paris Protocol of the Oslo Accords. We call on Israel to immediately resume the transfer of tax revenues. I also note that the League of Arab States has been meeting today in Cairo to discuss the latest developments on the Palestinian issue.

The Secretary-General is alarmed that the parties are now engaged in a downward spiral of actions and counter-actions and calls on both sides to refrain from any action that would exacerbate existing divisions. While the parties are ultimately responsible, the international community must uphold its responsibility to play an active role in shepherding an effective way forward towards the two-State solution and lasting peace.

Let me turn to the situation in Gaza, where the security situation is showing signs of serious deterioration. During the reporting

period, Palestinian militants fired three rockets at Israel, two of which landed within Gaza, while one landed in an open area of Israel without resulting in injuries or damage. In response, Israel conducted its first air strike into Gaza since the 26 August ceasefire. No casualties were reported. Militants also test-fired some 22 rockets at the sea. On 24 December, an exchange of fire across the border resulted in one Hamas militant killed, three Palestinian civilians injured and one member of the Israel Defense Forces injured.

As we have consistently warned, the Strip is balancing on a tightrope that will continue to fray unless a number of critical issues, many of which are political, are tackled with both determination and a heightened sense of urgency. One of the most critical issues is the outstanding payment of salaries to Gaza employees. In late October 2014, the United Nations facilitated a one-time humanitarian payment to help temporarily address the matter. However, worryingly, there has been no progress on the issue, which is once again threatening stability in Gaza. On 14 January, dozens of former Gaza employees disrupted the weekly Cabinet meeting of the Government of National Consensus, demanding their salaries.

In addition to the salary payment issue, since the most recent briefing by the Special Coordinator for the Middle East Peace Process (see S/PV.7339), a number of other grave issues remain unaddressed, and the status quo is very much in place. Reconstruction is not happening at the required scale and will not be achievable without some tangible progress on a number of key issues.

After almost five months, the ceasefire agreement between Israel and the Palestinians of Gaza remains perilously

fragile, and there are no indications that a return to talks under Egyptian auspices is on the immediate horizon. The Palestinian factions have unfortunately failed to overcome their divisions and agree on a united path for the Palestinian people. Further, the Government of National Consensus has not yet taken control over the civil and security institutions or the border crossings in Gaza, and there has still been no progress on civil service reform. In addition, once again Gaza is facing critical energy shortages, the severity of which is being compounded by the harsh winter conditions.

As has been repeatedly emphasized, the Gaza reconstruction mechanism is temporary and is not a substitute for the lifting of all closures on Gaza, as laid out in resolution 1860 (2009). While the mechanism has started to provide some much-needed relief to the people of Gaza, its ongoing implementation is being made increasingly difficult by the failure to address the critical issues I have just outlined.

Despite these unfavourable circumstances, I can report some positive news with regard to the implementation of the mechanism. Operations have scaled up significantly since mid-December. As of 11 January, over 38,000 individuals requiring construction material for shelter repairs have been cleared to procure materials under the mechanism; that number is well beyond the 25,000 figure predicted for the end of December in our most recent briefing (see S/PV.7339). Furthermore, over 23,000 individuals have procured construction materials. Ultimately, over 100,000 individuals are expected to access construction materials for shelter repairs through the mechanism. Large-scale projects are also now being initiated.

These developments, while positive, must be viewed in the broader, more troubling context of Gaza's overall reconstruction process. Up to 100,000 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 15,500 internally displaced persons. Obtaining the necessary financial resources to allow Palestinians in Gaza to procure materials continues to be a monumental challenge for the majority of those in need.

Most pressingly, donors have largely failed to fulfil their pledges three months after the Cairo conference. This has severely handicapped the ability of the Government of Palestine, the United Nations and other development actors on the ground to make significant progress on recovery and reconstruction work. The importance of donors urgently meeting their pledges cannot be overstated.

Inflammatory criticism of the United Nations for its role in facilitating a temporary agreement between the Palestinian Government of National Consensus and Israel to open crossings for the import at the required scale of construction material, while also taking account of Israel's legitimate security concerns, is unhelpful. It could affect the United Nations ability to continue supporting the mechanism. The United Nations remains committed to doing all that it can to facilitate resolutions of the problems, but parties responsible for the delays need to be fully engaged as well. The stark reality of the situation demands a resolute approach on the part of all those engaged in Gaza's reconstruction — a daunting task under any circumstances.

I also encourage the Egyptian authorities to reopen the Rafah crossing, while taking into account Egypt's legitimate security concerns. Humanitarian concerns are growing, with around 17,000 registered people, including patients, waiting to exit Gaza, in addition to 37,000 others who wish to exit Gaza.

Meanwhile, violence is continuing in the occupied West Bank, including East Jerusalem. As of 12 January, Israeli security forces conducted some 390 search-and-arrest operations during the reporting period, resulting in the arrest of at least 500 Palestinians. Two Palestinians, including a teenager, were shot and killed by Israeli security forces, and 145 Palestinians, including 60 children and 4 women, were injured during security operations. Palestinians injured three Israeli security personnel, including one during violent protests. Overall, in 2014 Israeli forces killed 54 Palestinians and injured some 5,800 in the West Bank — the largest number of injuries recorded in a single year since 2005 and the largest number of fatalities since 2007. During the same period, Palestinian attacks resulted in 15 Israeli fatalities and some 270 Israeli injuries in the West Bank and Israel, which is the largest number of injuries recorded in a single year since 2006 and the largest number of fatalities since 2008.

Daily clashes continued to take place between Palestinians and Israeli settlers during the reporting period, resulting in two Palestinians, including one child, being injured. Settlers also reportedly damaged some 5,000 Palestinian olive tree saplings, while Palestinians injured nine Israelis in the West Bank, including three children and two women. The demolition of Palestinian structures in the occupied West Bank, including East Jerusalem, continued during the reporting period. A total of 60 structures,

including 17 residences, were demolished, leading to the displacement of some 47 Palestinians, including 16 children.

We are encouraged by the Israeli Supreme Court's decision of 25 December ordering the evacuation and demolition of Amona, the largest settlement outpost in the West Bank, within two years, and look forward to the swift execution of that judgment. The United Nations reiterates its call on the Israeli authorities to freeze and reverse all settlement activities in the occupied territory.

...

In conclusion, the Israeli-Palestinian conflict is now entering uncharted territory, which, lamentably, seems to have dashed any immediate hope for a return to peace talks. We should be under no illusions about the perils that this new chapter may entail. The increasingly antagonistic and virulent nature of the discourse between the two sides should be cause for serious concern among those seeking to foster an environment conducive to a return to constructive dialogue.

The failure of the parties to take the steps necessary to overcome their mutual distrust has contributed to bringing us to this precarious phase. It is now up to both sides to determine their respective courses of action moving forward. I urge Palestinians and Israelis to plot a course that ultimately leads to a negotiated resolution of the conflict on the basis of a two-state solution in which Israel and Palestine live side by side in peace and security. The alternative is fraught with unknown hazards that may be irreversible.

Statement by Chairman Fodé Seck

...

I take this opportunity to express, in no uncertain terms, the Committee's firm condemnation of the terrorist attacks that occurred in Paris on 7 January and the equally heinous acts of terrorism that recently took place in Nigeria, northern Cameroon, northern Mali, Pakistan and, of course, the Middle East. Through me, the Committee would like to express its heartfelt sympathy and condolences to the victims' families, as well as to their bereaved people and Governments.

The Committee on the Exercise of the Inalienable Rights of the Palestinian people observed with great interest the debate organized by the Council on 30 December (see S/PV.7354). Although the debate did not lead to the adoption of practical measures, as recommended by the Committee in its statement, all members of the Council reaffirmed their commitment to the principle of a peaceful settlement of the Israeli-Palestinian conflict, based on the two-State solution and the exercise of the legitimate rights of the Palestinian people in a viable and independent Palestine, living side by side with Israel in peace and security. We take this opportunity to commend the important role played by the Hashemite Kingdom of Jordan, as representative of the Arab countries to the Council, and to encourage it to pursue its commendable efforts to find a peaceful solution to the conflict, in the knowledge that the status quo is no longer tenable.

With the failure of direct negotiations and the Security Council's inability to act, the State of Palestine has seen fit to join several international treaties, including the Rome Statute of the International Criminal Court, in order to strengthen the fight against violations of international law and international humanitarian law, as well as impunity. The Committee regrets that, in response, the occupying Power has chosen

to flout its obligations to Palestinian people by holding — who knows for how long? — the tax revenues it collects on behalf of the Palestinian Authority, in accordance with the Oslo accords. This attitude is counterproductive, as is Israel's threat to impose new punitive measures. Furthermore, it is regrettable that the international community, including the Council, has remained silent and inactive on this matter.

Fortunately, at this session States members of the General Assembly have reaffirmed their strong commitment to a settlement based on established principles and the relevant United Nations decisions. A more significant number of States — most recently Sweden — have also recognized Palestine, while several parliaments — including those of Spain, France, Ireland, Belgium, Portugal and the United Kingdom — as well as the European Parliament, have voted in favour of such recognition, reflecting the resolve of the international public opinion to see an end to this conflict.

While the Committee welcomes the progress made on the ground to date, in particular with regard to the reconstruction of Gaza, as provided in the temporary tripartite mechanism, it believes that much more remains to be done and as soon as possible. More goods and services must be allowed to enter Gaza because tens of thousands of Gazans continue to live in flimsy tents or damaged buildings, exposed to the elements of a rainy and particularly cold winter. In this regard, while we welcome the generous support of donors, the Committee urges Israel to assume its responsibilities as the occupying Power under the Geneva Conventions.

The General Assembly judiciously proclaimed 2014 the International Year of Solidarity with the Palestinian People in its efforts to reinforce Member States' support for the Palestinian people and enhance the possibility of reaching a peaceful settlement of the decades-long conflict. Unfortunately, our hopes were dashed during the Year of Solidarity when direct negotiations failed in the spring and the situation's rapid deterioration led to the devastating war in Gaza in the summer.

The framework of the problem remains the same. Israel continues to occupy the Gaza Strip and the West Bank, including East Jerusalem. Settlement construction in the West Bank and East Jerusalem continues. Palestinian religious buildings continue to be attacked. In 2014 alone, there were at least 36 attacks on mosques and churches, in addition to the total destruction of 73 mosques and churches in Gaza during the summer's crisis. Moreover, acts of provocation and incitement to violence by settlers and other Israelis remain commonplace.

Alarmed by the current situation, the Committee on the Exercise of the Inalienable Rights of the Palestinian people joins many speakers here today in stressing that the status quo cannot continue, for the situation is unacceptable and threatens international peace and security. With a view towards the future, the Committee hopes that the Security Council, the supreme organ responsible for international peace and security, will assume its Charter obligation to provide the means to settle the seemingly endless Israel-Palestinian conflict.

IV. SPECIAL RAPPORTEUR SUBMITS REPORT ON THE SITUATION OF HUMAN RIGHTS IN THE PALESTINIAN TERRITORIES OCCUPIED SINCE 1967

On 22 January 2015, the report of the United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Makarim Wibisono, was published. The following are the concluding remarks and recommendations contained in the report:

VI. Concluding remarks

73. The Special Rapporteur's observations and interactions with victims and witnesses living in the Occupied Palestinian Territory in the several months since assuming his mandate suggest that the protection that international humanitarian law and international human rights law should be providing for civilians, including children, across the Occupied Palestinian Territory is distressingly absent. It is especially deplorable that Palestinian children are suffering the brunt of occupation policies and practices of Israel, whether as a result of the blockade and hostilities in Gaza, the excessive use of force by Israeli security forces in the context of legitimate protests and peaceful demonstrations, as well as search operations in the refugee camps, and abuse and ill-treatment in Israeli prisons. Voices from across the Occupied Palestinian Territory called in unison for accountability, an end to the blockade and an end to the occupation. If another round of deadly violence is to be avoided, the underlying problems perpetuating the conflict and the almost daily violation of the human rights of the Palestinian people must be addressed and those responsible brought to justice.

VII. Recommendations

74. With regard to the situation in Gaza, the Special Rapporteur recommends that the Government of Israel:

(a) Implement in good faith the Gaza reconstruction mechanism brokered by

the United Nations and allow delivery of construction materials, including cement;

(b) In accordance with Security Council resolution 1860 (2009), urgently lift the blockade of Gaza, which constitutes a form of collective punishment that has a disproportionate impact on the lives of innocent civilians and children;

(c) Conduct prompt, thorough, effective, independent, impartial and transparent investigations into all alleged incidents of killing of civilians during the hostilities, and make public the findings and any steps taken regarding accountability.

75. With regard to the situation of children in Israeli military detention, the Special Rapporteur recommends that the Government of Israel:

(a) Ensure that arrests of children only take place during daylight hours, except in rare and exceptional circumstances;

(b) Provide children and their legal guardians with a written statement in Arabic informing them of their legal rights in custody;

(c) Allow all children to consult with a lawyer of their choice prior to questioning;

(d) Ensure that every interrogation is audio-visually recorded and a copy of the tape provided to the defence counsel prior to the first hearing;

(e) Cease immediately the ill-treatment and abuse of children in detention, including the practice of putting children in solitary confinement;

(f) Exclude, in all cases, evidence obtained by the military courts as a result of torture or ill-treatment.

76. With regard to the excessive use of force by Israeli security forces, the Special Rapporteur recommends that the Government of Israel:

(a) Ensure that Israeli security forces comply with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(b) Conduct thorough, effective, independent and impartial investigations into all cases involving the lethal use of force, and make those findings public without delay.

77. The Special Rapporteur furthermore recommends that the Government of Israel cease immediately punitive home demolitions, and provide adequate compensation to innocent family members whose homes have been unlawfully demolished.

78. With regard to the plans that would allegedly result in the forcible eviction and transfer of Palestinian Bedouin and herder communities in Area C of the West Bank, the Special Rapporteur recommends that the Government of Israel:

(a) Abandon, and desist from implementing, plans entailing the forcible transfer of Palestinian Bedouin and herder communities in the West Bank, including in the East Jerusalem periphery;

(b) Provide adequate compensation and restitution for individuals and communities who have been forcibly evicted and had their property destroyed.

V. HUMANITARIAN COORDINATOR EXPRESSES CONCERN OVER DEMOLITIONS OF PALESTINIAN HOMES

On 23 January 2015, the Office of the United Nations Resident and Humanitarian Coordinator James W. Rawley issued the following press release expressing his concern over demolitions of Palestinian homes by Israel:

Today, the United Nations Resident and Humanitarian Coordinator, James W. Rawley, expressed concern over the Israeli authorities' recent spate of demolitions of Palestinian homes in the occupied West Bank, including East Jerusalem.

"In the past three days, 77 Palestinians, over half of them children, have been made homeless," said Mr. Rawley. "Some of the demolished structures were provided by the international community to support vulnerable families. Demolitions that result in forced evictions and displacement run

counter to Israel's obligations under international law and create unnecessary suffering and tension. They must stop immediately," Mr. Rawley stressed.

Since 20 January, the UN Office for the Coordination of Humanitarian Affairs (OCHA) has recorded the Israeli authorities' demolition of 42 Palestinian-owned structures in the Ramallah, Jerusalem, Jericho and Hebron governorates. In addition to those displaced, 59 Palestinians were otherwise affected, mainly due to the demolition of structures essential for their

livelihood, mostly animal shelters. At least eight of these structures were funded by international donors.

In 2014, according to OCHA figures, the Israeli authorities destroyed 590 Palestinian-owned structures in Area C and East Jerusalem, displacing 1,177 people – the highest level of displacement in the West Bank since OCHA began systematically monitoring the issue in 2008.

The planning policies applied by Israel in Area C and East Jerusalem discriminate against Palestinians, making it extremely difficult for them to obtain building permits. As a result, many Palestinians build without permits to meet their housing needs and risk having their structures demolished. Palestinians must have the opportunity to participate in a fair and equitable planning system that ensures their needs are met.

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VI. QUARTET ENVOYS AGREE TO ENCOURAGE FULFILLMENT OF THE CAIRO CONFERENCE PLEDGES

On 26 January 2015, the Office of Secretary-General Ban Ki-moon issued the following statement on the Quartet's meeting in Brussels:

The Middle East Quartet Envoys (US, Russia, UN and EU) met on 26th January in Brussels. EU High Representative Federica Mogherini attended the start of the meeting.

closely with their Arab partners. They agreed on the importance of convening a meeting of the Quartet Principals as soon as possible.

The envoys shared assessments of the political outlook for the region and prospects for reviving the Middle East Peace Process. They explored the role that the Quartet could play in supporting the resumption of meaningful negotiations with the aim of achieving a comprehensive peace agreement based on a two-state solution. They noted in this regard the importance of engaging

They also underscored the urgency of improving the dire humanitarian situation in Gaza and agreed that every effort should be made to encourage the fulfilment of pledges of assistance made at the Cairo Conference on the reconstruction of Gaza in October last year.

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VII. UN SPECIAL COORDINATOR EXPRESSES OUTRAGE OVER THE ASSAULT ON THE UNSCO COMPOUND IN GAZA

On 28 January 2015, the Office of United Nations Special Coordinator for the Middle East Peace Process (UNSCO) Robert Serry issued the following statement on an assault on the UNSCO compound in Gaza:

The Special Coordinator is outraged by the assault on the UNSCO compound in Gaza this morning. During a pre-announced demonstration, of which Hamas was well aware, a number of protestors climbed the perimeter wall and entered the compound

causing damage to United Nations premises and property. Due to precautionary measures taken, United Nations personnel working in the compound were fortunately unharmed.

The Special Coordinator notes with deep concern that, despite repeated assurances, the security forces in Gaza did not take the necessary and timely measures to protect UNSCO's compound. Pending a full transfer of security responsibilities to the legitimate Palestinian Authority, we continue to hold Hamas fully responsible for the security and safety of all United Nations personnel and operations in Gaza.

As this serious incident took place in the context of increasing incitement against the United Nations in Gaza, the Special

Coordinator is conducting an urgent review of operations in Gaza.

As reported to the Security Council, the situation in Gaza has become extremely volatile again and will continue to deteriorate unless a number of critical underlying issues are addressed with both determination and a heightened sense of urgency. We also continue to urge donors to support humanitarian operations and fulfill the commitments they have made in Cairo for the reconstruction of Gaza.

VIII. IMF ASSESSES ECONOMIC DEVELOPMENTS IN PALESTINE

A mission of the International Monetary Fund (IMF) led by Mr. Christoph Duenwald visited East Jerusalem and Ramallah from 21 to 29 January 2015 to assess recent economic developments in the West Bank and Gaza as well as the financial situation of the Palestinian Authority. Mr. Duenwald issued the following statement at the end of the mission:

Economic activity contracted in 2014, following the war in Gaza in the summer and mounting political tensions in the West Bank and East Jerusalem. The mission estimates that real GDP fell by nearly one percent, the first contraction since 2006, with GDP declining by about 15 percent in Gaza but rising by 4.5 percent in the West Bank with a sharp slowdown in the third quarter. Unemployment rates remain at high levels, reaching an estimated 41 percent in Gaza and 19 percent in the West Bank. Despite last year's difficult economic and political situation, the PA maintained its efforts to keep the fiscal deficit in check, helped by strong revenue performance.

A high degree of uncertainty and various headwinds will likely prevent a strong economic recovery in 2015. Most notable is the non-transfer to the PA of clearance revenues collected by Israel on goods imported into the West Bank and Gaza. These represent about two-thirds of net

revenues and are essential to the PA's budget and to the Palestinian economy. Reduced wage payments and other public spending cuts necessitated by the suspension of clearance revenues in the presence of financing constraints will likely cause a sharp reduction in private consumption and investment. In addition, Gaza reconstruction after the war is proceeding more slowly than expected, reflecting insufficient progress on national reconciliation and unfulfilled donor pledges. Real GDP in 2015 is therefore set to rise only modestly, with a pickup in Gaza from a low base and a drop of nearly 2 percent in the West Bank, although the sharp fall in oil prices provides some relief to energy consumers. Medium-term growth will remain modest, unless there is an improvement in the political climate that would lead to a lifting of restrictions in the West Bank and the blockade in Gaza.

The ongoing fiscal crisis exacerbated by the withholding of clearance revenue could

deepen over the next few months. The absence of clearance revenue will need to be compensated by curtailment of wages and allowances, cuts in non-wage spending, further borrowing from the banking system, or additional arrears accumulation. In this context, reduced salary payments should be differentiated so as to minimize the impact on lower income earners. Front loaded assistance from donors is needed to provide bridge financing in the absence of clearance revenues. For 2015 as a whole, even assuming a resumption of clearance revenue transfers in a few months, we project a large financing gap that calls for a prudent fiscal stance, with strict restraint on public sector wages. We recommend safeguarding transfers to poor and vulnerable households, and social assistance in Gaza, where the humanitarian situation is particularly dire. Moreover, contingency measures should be in place in case the suspension of clearance revenue extends beyond a few months.

Moves toward a more sustainable fiscal position should be buttressed by renewed

emphasis on fiscal structural reform, particularly in the areas of public financial management and revenue administration, including by developing a simplified tax regime for small businesses.

In this volatile environment, safeguarding financial stability will remain a priority. The Palestine Monetary Authority has made considerable progress in risk-based supervision and enhancing crisis preparedness. While the financial system is sound and well capitalized, the high exposure of the banking system to the PA and its employees calls for vigilance, especially given the clearance revenue suspension.

Strong efforts by the PA can only go so far to contain the crisis for a few months. The situation could become untenable, with a growing risk of social unrest and strikes that could lead to political instability. These serious risks could be mitigated if Israel quickly resumed transfers of clearance revenue and donors front loaded their aid.