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PALESTINIAN RIGHTS

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

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I. SECRETARY-GENERAL SUBMITS HIS REPORT ON THE PEACEFUL SETTLEMENT OF THE QUESTION OF PALESTINE

On 1 September 2015, United Nations Secretary-General Ban Ki-moon submitted his report entitled “Peaceful settlement of the question of Palestine” to the General Assembly. The following are the observations contained in the report (A/70/354-S/2015/677):

7. International efforts to promote the peaceful settlement of the question of Palestine focused on the possibility of creating a framework for the parties’ return to meaningful negotiations. Apart from a meeting between the Israeli and Palestinian chief negotiators in Amman in late July 2015, there were no direct peace process-related talks between the two leaderships.

8. During most of the reporting period, which immediately followed the devastating war in Gaza, the situation on the ground was characterized by relatively low levels of violence, a gradual easing of movement restrictions and a slowdown in settlement activity in the West Bank, including East Jerusalem. However, there were periods of heightened tension and violence in October and November 2014 and July 2015. The situation in Gaza remained volatile, owing mainly to worsening socioeconomic conditions, delays in reconstruction, deterioration in internal security, continued movement restrictions and the deepening political divide between the Palestinian authorities in Gaza and the West Bank.

9. On 30 December, a draft Security Council resolution seeking to reach a final status agreement and an end to the occupation by the end of 2017 failed to pass.

10. 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, I accepted the submission of 16 instruments of accession after having

ascertained that the instruments received were in due and proper form.

11. On 3 January, in retaliation, Israel, contrary to its obligations under the Paris Protocol of the Oslo Accords, commenced the withholding of tax revenues collected on behalf of the Palestinian Authority for the month of December. An agreement was reached on 27 March between the Palestinian Authority and the Government of Israel under which Israel transferred more than \$470 million in withheld revenues.

12. On 17 March, general elections were held in Israel. I was deeply concerned by many of the hard-line statements made in the final days of campaigning. I urged the incoming Government of Israel to act on Prime Minister Netanyahu’s reaffirmations, after his re-election, of his commitment to the two-State solution. The Middle East Quartet met at the principals level on 8 February in Munich. The Quartet prioritized the urgent resumption of negotiations and a strengthening of its engagement to prepare for a revival of the peace process, including through regular and direct outreach to the Arab States and the promotion of the Arab Peace Initiative. It also called for the acceleration of reconstruction in Gaza. In July, Quartet envoys, as part of an active outreach effort, engaged constructively with Egypt, Jordan and the League of Arab States.

13. Last summer’s conflict in Gaza — the firing of rockets from Gaza into Israel and the subsequent Israel Defence Forces’ so-called “Operation Protective Edge” — led

to levels of death and destruction unprecedented in this conflict. I deeply regret the loss of civilian life during the escalation. The intensity and destructiveness of the conflict substantially exacerbated the ongoing humanitarian crisis in Gaza, including the observed deterioration of food security, physical and mental health, access to basic services and economic livelihoods.

14. In the aftermath of the hostilities, efforts were made to strengthen the ceasefire brokered by Egypt on 26 August 2014. Addressing dire conditions of the civilian population in the Gaza Strip remained my priority during the reporting period. To facilitate reconstruction efforts, the United Nations brokered an agreement between Israel and the Palestinian Government of national consensus establishing procedures to enable “dual-use” materials to enter Gaza and their use to be monitored. The Gaza Reconstruction Mechanism was designed as a temporary measure to enable the entry of critical construction materials at scale and for a wide range of stakeholders in the immediate post-conflict period. The ultimate objective of the United Nations in Gaza continues to be the lifting of all closures within the framework of Security Council resolution 1860 (2009) and in a manner which relieves the suffering of the people of Gaza and addresses the legitimate security concerns of Israel.

15. I travelled to Cairo on 12 October for the International Conference on Palestine: Reconstructing Gaza, hosted by Egypt and supported by Norway. The event garnered \$5.4 billion in pledges from some 50 countries, with \$3.5 billion intended to support Gaza. As at 14 April, the World Bank reported that only 27.5 per cent of those pledges had been disbursed. I again urge donors to fulfil the pledges

they made in Cairo last October. From the outset of the conflict in Gaza, I called on all combatants to respect the sanctity of United Nations premises. However, a number of incidents occurred during the hostilities in which United Nations personnel, premises and operations were affected. In response, I established an internal board of inquiry to review and investigate 10 of those incidents. On 27 April, I released a comprehensive summary of the Board’s report. The Board found that the seven incidents in which United Nations premises were hit were attributable to Israel.

16. The Board also reviewed three incidents involving weapons found in UNRWA schools. In two instances, the Board found that Palestinian armed groups might have used UNRWA school premises to launch attacks. The Board also made a number of recommendations, including on ways of further improving coordination between the United Nations and the Government of Israel to better ensure the safety and security of United Nations personnel and premises. I am actively pursuing these recommendations.

17. I fully supported the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict, led by Justice Mary McGowan Davis, pursuant to Human Rights Council resolution S-21/1, and its broad investigation into all alleged human rights and international humanitarian law violations that took place before, during and after the military operations in Gaza between 13 June and 26 August 2014. It is my hope that the report of the Commission will pave the way for justice for all of the victims of last year’s fighting.

18. Alarmingly, unemployment in Gaza reached 43 per cent at the end of 2014. The conditions in an already devastated Gaza will only worsen, and the risks of violence

and radicalization increase, if the underlying causes of previous conflicts are not soon addressed.

19. The security implications of the persistent pressures on Gazan society continue to be felt. Worryingly, reports are increasing of extremist elements seeking to gain a greater foothold in Gaza in an attempt to ride on the local wave of discontent.

20. Under the leadership of President Abbas, the Palestinian Government of national consensus — which is fully committed to the principles of the Palestine Liberation Organization (PLO) — must be empowered and enabled to assume its rightful responsibilities in Gaza, including in particular at the crossings with Israel and Egypt. Palestinian unity and civil service integration must be addressed as a priority. The United Nations stands ready to support the President and the Government of Palestine and all factions in their efforts to reunite the West Bank and Gaza, in line with the intra-Palestinian unity agreement of 23 April 2014.

21. I also welcomed Egypt's decision — following consultations with President Abbas — to open the Rafah crossing for an extended period in June. A regular and predictable schedule for the opening of Rafah is needed for the movement of people, especially for humanitarian cases, as the security situation allows.

22. Since the establishment of the temporary Gaza Reconstruction Mechanism, approximately 90,000 households in Gaza have accessed construction material for partially damaged housing. In this regard, on 22 June, the Palestinian Ministry of Public Works and Housing launched the “Residential Stream”, which is intended to provide simplified access to construction material for the rebuilding of the

approximately 18,000 completely or severely destroyed homes, as well as for the construction of completely new housing to help offset the pre-war housing deficit of approximately 70,000 units. Some 1,700 beneficiaries have already been cleared and around 600 have purchased the required construction materials. These are positive steps on the long road to meeting Gaza's reconstruction needs. I would like to acknowledge and encourage a continuation of Israel's constructive cooperation with the Gaza Reconstruction Mechanism.

23. There have been a number of other significant achievements since the end of hostilities in August 2014. Notably, the last internally displaced persons left the United Nations collective centres in Gaza on 17 June 2015. Nevertheless, the overall reconstruction of Gaza remains slow, with considerable financing gaps. On 12 February, the United Nations, in partnership with the Government of Palestine, launched the Strategic Response Plan for 2015, which aims to address the humanitarian needs of 1.6 million Palestinians in Gaza and the West Bank. The Plan requests \$705 million, 75 per cent of which is for Gaza.

24. The reporting period witnessed one attempt to break the Gaza maritime blockade. The Israeli navy intercepted the Marianne, a vessel which was part of the “Gaza Freedom Flotilla”, on 29 June in international waters. I reiterate my calls on the Government of Israel to lift all closures, with due consideration of Israel's legitimate security concerns.

25. The Government of Israel has taken several positive steps in that direction, including lifting the eight-year ban on exports from Gaza to Israel and the West Bank, increasing quotas and expanding criteria for the exit of Palestinians from Gaza through the Erez crossing and

increasing the capacity of the Kerem Shalom crossing. As a result, we have seen a significant rise in the number of people and goods passing through the crossings. I encourage the Government of Israel to pursue this policy further.

26. I remain worried about the state of human rights and freedoms in Gaza. Of particular concern are the reports of arbitrary detention being carried out by Palestinian security forces and the reports of ill-treatment in detention centres in Gaza. I call on the de facto authorities in Gaza to refrain from carrying out further executions. I also urge the Palestinian Authority to fulfil its responsibilities, with full respect for international human rights laws.

27. In July, the Government of Israel revealed that two of its citizens had entered the Gaza Strip independently, in two separate incidents, since September 2014. I reiterate my call to all relevant Palestinian actors in Gaza to provide information as to the possible whereabouts and conditions of the missing Israelis and to take prompt action to facilitate their safe return to their families.

28. On 30 July, the Palestinian Authority announced a partial reshuffle of the current Government, appointing five new ministers. Hamas rejected the reshuffle, arguing that it was not in line with previous agreements.

29. Violence in the West Bank, including East Jerusalem, continued. The causes included Israeli security operations, violence by Jewish extremists, protests and attacks against Israelis by Palestinians and religious tensions associated with the Haram al-Sharif/Temple Mount. The Israel Defense Forces conducted 4,236 search and arrest operations, resulting in 5,638 Palestinians being arrested. In the Occupied Palestinian Territory, a total of 27 Palestinian civilians

were killed and 2,755 Palestinians injured. Seven Israeli civilians and one of the Israel Defense Forces personnel were killed and 112 Israeli civilians and 60 Israeli security forces personnel were injured. The Palestinian Authority continued arrests of suspected Hamas affiliates in the West Bank.

30. Shortly after the beginning of the reporting period, the Government of Israel appeared to put on hold settlement planning and tendering in the West Bank and East Jerusalem. The so-called planning freeze was violated in July by the Government's decision to advance construction and "legalization" of hundreds of units. Settlement activity in the Occupied Palestinian Territory, including East Jerusalem, is illegal under international law.

31. Settler violence has decreased since 2014. As the result of attacks by settlers 2 Palestinians were killed and 86 Palestinians, including 22 children, were injured during the reporting period. Four Israeli settlers were killed and 96 Israeli settlers were injured by Palestinians. The most egregious example of settler violence during the reporting period took place on 31 July, when Ali Dawabsha, a Palestinian toddler, was murdered and the members of his family severely injured during an attack on their home in the West Bank. Ali's father, Sa'ad Dawabsha, died from his wounds on 8 August. I condemned this despicable act of terror, as did the Security Council and the leadership of Israel. The incident led to violent demonstrations, resulting in clashes between Palestinians in the West Bank and the Israel Defense Forces, as well as attacks on Israeli civilians by Palestinians. In addition, rockets were fired at Israel from Gaza and subsequent Israeli airstrikes were conducted. As I have stated numerous times, the indiscriminate firing of rockets against Israeli civilian targets by Hamas and other

militant groups in Gaza is a violation of international law.

32. The demolitions and evictions that took place in Area C of the West Bank are of deep concern and were condemned by the international community. Palestinians require access to a fair planning and zoning regime if they are not to resort to the building of unauthorized structures that lead to unjustified demolitions. During the reporting period, 441 structures were demolished, causing the displacement of some 632 Palestinians, including 344 children. I reiterate my concern about the fate of 7,000 Palestinian Bedouins and herders in the occupied West Bank, who may be at risk of forcible transfer as Israel advances its plan to relocate these communities in three sites in Area C. This plan, which may be linked to settlement expansion in El and other areas, would seriously jeopardize the realization of the two-State solution. Similarly, I repeat my deep concern over the Israeli demolition orders for Susiya. I am also concerned about the risk of a forcible transfer of the Um al-Kheir Bedouin refugee community after the recent demolition of five dwellings next to an Israeli settlement near Hebron. Demolitions and forcible transfers contravene international humanitarian law and international human rights law.

33. Tensions also continued in occupied East Jerusalem, especially in the autumn months of 2014. Escalating tensions surrounding access to the holy sites contributed significantly to the spike in violence. The shooting of a campaigner for Jewish prayer rights on the Haram al-Sharif/Temple Mount on 29 October was followed by a series of attacks in East Jerusalem, including clashes at the Noble Sanctuary. Restrictions on access to holy sites in the Old City were imposed on the Palestinians, leading to multiple clashes

between worshippers and the Israeli security forces. King Abdullah of Jordan and United States Secretary of State Kerry organized separate meetings with President Abbas and Prime Minister Netanyahu in

Amman on 13 November. Both sides announced firm commitments to maintain the status quo regarding the holy sites.

34. As of August 2015, 370 Palestinians were held by Israeli authorities in administrative detention, compared with 477 at the beginning of the reporting period. I reiterate my long-standing position that those detained must be charged and brought to trial or released without delay. The Government's decision on 14 June, which was subsequently approved by the Knesset, to permit force-feeding of prisoners on hunger strike under certain conditions is in contravention of international conventions.

35. Palestinians continued to advance their State-building programme. Despite a strong international consensus that the Palestinian Authority was capable of running a State, the Ad Hoc Liaison Committee was concerned about its economic viability during the reporting period. It maintained that concerted action was urgently required to stabilize the fiscal position of the Palestinian Authority, which faces a deficit of approximately \$500 million for 2015, and to rekindle private sector-led economic growth. Efforts towards structural reform by the Palestinian Authority, including fiscal containment, and adequate and predictable assistance to the Government of Palestine by donors were considered essential to manage the deficit. The International Monetary Fund reported on 29 January that Palestinian economic activity had contracted in 2014 for the first time since 2006.

36. Israel has taken several steps to ease movement restrictions in the West Bank, including allowing entry into Israel without permit for Palestinian men over 55 and women over 50. Further measures were implemented during Ramadan, although they were later retracted owing to an escalation in violence. I also note positively that the number of Palestinians from the West Bank employed in Israel continued its rise of the past few years and is today at its highest since the beginning of the peace process in the early 1990s. I strongly encourage the Government of Israel to continue implementing measures that would facilitate sustainable growth and job creation for the Palestinian economy.

37. As noted in my last report, I remain seriously concerned about the lack of political progress and the high risk of an outbreak of violence between Israel and Palestinian militants. What is important now is for the international community to work together with the parties on the ground and in the region to create the conditions for a return to meaningful negotiations. In particular, I urge Israel to cease all settlement activity in the occupied West Bank, including East Jerusalem, and to take further steps to ease the restrictions in place in the West Bank and Gaza. I also strongly encourage all Palestinians to pursue the path of non-violence and unity, in line with the PLO commitments, and call on them to make efforts to improve law and order, to

combat extremism and incitement against Israel and to continue building strong and democratic institutions, which are essential to a viable, independent Palestinian State.

38. I would like to express my deep appreciation to the United Nations Special Coordinator for the Middle East Peace Process, Nickolay Mladenov, whom I appointed on 5 February, and his predecessor, Robert H. Serry, whom I thank for his outstanding performance during his seven-year tenure. I am also grateful to Pierre Krahenbilhl for his able leadership as Commissioner-General of UNRWA. I pay tribute, too, to all United Nations staff who work in this area under difficult, at times dangerous, circumstances in the service of the United Nations. In May, Tony Blair stepped down from his position as Quartet Representative for the Middle East. I reiterate my appreciation for his leadership over eight years.

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

II. UNCTAD LAUNCHES ITS REPORT ON ASSISTANCE TO THE PALESTINIAN PEOPLE

On 1 September 2015, the Secretariat of the United Nations Conference on Trade and Development (UNCTAD) launched a report on UNCTAD's assistance to the Palestinian people and developments in the economy of the Occupied Palestinian Territory. The following is the Executive Summary of the report (TD/B/62/3):

In 2014, the economy of the Occupied Palestinian Territory witnessed the first recession since 2006 and the second consecutive decline in gross domestic product (GDP) per capita. In addition, the number of Israeli settlers has quadrupled since the Oslo Accords in 1993 and 1995; presently they outnumber Palestinians in Area C, which represents 61 per cent of West Bank area. During the first four months of 2015, Israel once again withheld Palestinian clearance revenue, which represents 75 per cent of total revenue. The ensuing liquidity crisis slowed economic activities and will weigh down GDP growth in 2015. The Gaza Strip endured the third conflict with full-scale military operation in

six years, coming on top of eight years of economic blockade. Reconstruction efforts are extremely slow relative to the magnitude of devastation, and Gaza's local economy did not have a chance to recover. Socioeconomic conditions are at their lowest point since 1967.

Despite limited resources, UNCTAD delivered technical cooperation, training and advisory services to the Palestinian public and private sectors, and successfully completed a project on developing Palestinian trade facilitation capacity. UNCTAD's efforts were acknowledged by the General Assembly of the United Nations in resolution 69/20.

III. PALESTINIAN RIGHTS COMMITTEE CO-ORGANIZES THE INTERNATIONAL MEETING ON THE QUESTION OF PALESTINE IN BRUSSELS

On 7 and 8 September 2015, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in cooperation with the Organization of Islamic Cooperation and the League of Arab States, held the International Meeting on the Question of Palestine in Brussels. The theme of the Meeting was "Israeli settlements as an obstacle to peace – possible ways forward". The following are the message of Secretary-General Ban Ki-moon delivered at the Meeting by Rima Khalaf, Executive Secretary of the United Nations Economic and Social Commission for Western Asia (SG/SM/17051-GA/PAL/1344), as well as the Chair's Summary issued after the event:

Secretary-General's message

I am pleased to send greetings to all participants at the International Meeting on the Question of Palestine. I thank the Committee on the Exercise of the Inalienable Rights of the Palestinian People as well as the League of Arab States and the

Organization of Islamic Cooperation for organizing this event.

The situation on the ground continues to be worrisome. One year since last summer's ruinous Gaza conflict, security and hope in both the occupied West Bank and Gaza remain at a low point. It remains clear that

confidence must be restored by both peoples for a peaceful settlement and at last, the realization of two States for two peoples. It is also clear that unilateral actions, such as building illegal settlements, run directly counter to this purpose and cannot be reconciled with the Government of Israel's stated intention to pursue a two-State solution.

I am also deeply concerned by the new levels of settler violence against Palestinian civilians. The continuing policy of settlement expansion and the climate of impunity relating to settler activity are a root cause of the escalating violence in the Occupied Palestinian Territory. There are indications that the Israeli Government has stepped up its efforts to address this danger and to bring those responsible to account. Israel must do all it can to live up to its obligations and commitments, especially the protection of all civilians, including those under its occupation. I have also condemned the recent rocket launches from Gaza toward Israel, which are unacceptable, and acts of violence against Israelis in the West Bank. Leaders on all sides must speak out against and prevent such acts in order to not allow extremists to escalate the situation and take control of the political agenda.

I will continue to work with all parties to encourage a return to peace negotiations, which must include a discussion of the issue of Israeli settlements under a final status accord. I am heartened by the commitment of Arab leaders to uphold the Arab Peace Initiative, and I encourage the Quartet, the League of Arab States, the Organization for Islamic Cooperation and all regional and international stakeholders to play a more active, supportive role in fostering an enduring peace. The United Nations remains committed to a peaceful settlement of the question of Palestine resulting in two States,

Israel and Palestine, living side by side in peace and security.

In that spirit, please accept my best wishes for a successful event.

Chair's Summary

The **International Meeting on the Question of Palestine** was convened under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP) in partnership with the Organization of Islamic Cooperation (OIC) and the League of Arab States (LAS). The Meeting aimed to mobilize support for a just and comprehensive solution to the Question of Palestine. It discussed the current situation of Israeli settlements in the West Bank and East Jerusalem under European Union and international law, and provided a forum to present ways forward, including how to enhance the international community's role.

Invited to the meeting were all United Nations Members and Observers, inter-governmental organizations, UN Agencies, civil society organizations, and the media. Seventy Member States, two Observer States, six United Nations Agencies and bodies, four international organizations, twenty civil society organizations and twelve media organizations participated. Speakers included internationally renowned experts on the Question of Palestine, representatives of the Palestinian Government and civil society, as well as Israeli experts and civil society representatives. The Meeting was open to the public and the media.

In his message to the Meeting at the opening session, the **Secretary-General of the United Nations** emphasized that building illegal settlements runs against the Government of Israel's stated intention to

pursue a two-State solution. The Secretary-General pointed to continuing settlement expansion and the impunity related to settler activity as a root cause of violence in the Occupied Palestinian Territory. The Secretary-General called on Israel to do all it can to protect civilians, including those under its occupation. He also expressed concern over recent rocket attacks on Israel by Palestinian militants in Gaza and called on leaders on all sides to speak out to prevent extremists from taking control of the political agenda. Finally, he encouraged the Quartet, the League of Arab States, the Organization for Islamic Cooperation and all regional and international stakeholders to play a more active role in fostering an enduring peace.

The **Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People** emphasized that from the standpoint of international law, Israeli settlements on Occupied Palestinian Territory are illegal. He recalled Security Council Resolution 465 of 1980, which stated that measures taken by Israel to change the physical character and the demographic composition of the Palestinian and other Arab territories occupied since 1967, including East Jerusalem, constituted a flagrant violation of the Fourth Geneva Convention. The Security Council further declared that Israeli settlements constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.

The Representative of the **Organization of Islamic Cooperation** noted that Israeli settlements fragmented Palestinian land and communities, including Jerusalem which was in a phase of “Judaization”. Settlers’ activities, including measures to transform the demographic character and to exploit the Occupied Palestinian Territory’s natural resources, were in clear violation of

international law. He called on the international community to establish an international framework and a timeframe to end the Israeli occupation.

The Representative of the **League of Arab States** noted that Israel’s settlement policy, as well as the “Judaization” of Jerusalem and its “apartheid” policy against Palestinians, contravened international law and Security Council resolutions. She urged the parties to return to the negotiation table and called on the Security Council and the Quartet to move from mere condemnation to concrete actions in order to end Israel’s occupation and bring about peace.

The **Foreign Minister of the State of Palestine** declared that since 1967, Israel had openly led the planning, construction, development, and consolidation of illegal settlements in the Occupied Palestinian Territory. Some 600,000 settlers, living in 250 illegal settlements in the West Bank including East Jerusalem, have effectively confiscated over half of the territory of the State of Palestine. The “settlement regime” aimed at the unlawful appropriation of land and property from the Palestinian people as well as at the creation of a new demographic reality on Palestinian land. Security Council resolutions adopted between 1971 and 1980 had condemned Israel’s settlement activity as a violation of the Fourth Geneva Convention and called for its cessation. The Foreign Minister called on the European Union and on States to take all possible measures to ensure that state institutions, companies, entities and individuals cease their involvement in the illegal Israeli “settlement regime”.

In the **ensuing sessions**, participants emphasized that settlement construction was an official, systematic, premeditated and deliberate policy, aimed at blocking Palestinians’ right to self-determination and

at confiscating up to 75 per cent of the West Bank's "Area C", including through "de-Palestinization" of Jerusalem. According to recent data, settlers numbered approximately 400,000 in the West Bank and 200,000 in East Jerusalem. Moreover, the settlements enjoyed an entire **infrastructure network**, including "by-pass" roads, which converted them into Jerusalem's suburbs. Retroactive legalization of out-posts to create settlements' "neighbourhoods", and the so-called E1 Plan, aimed at extending the territory of Jerusalem's municipality or to simply increase the number of settlements. Settlements had a negative impact on daily lives of Palestinians not only by limiting their freedom of movement but also their access to water, food, adequate standards of living and education.

Experts outlined a regime of discrimination and segregation against the Palestinian population implemented not only via a two-tiered legal system, but also through its collective punishment, displacement and land grabbing to establish Jewish settlements. Such practices are prohibited under international law; the International Court of Justice Advisory opinion of 2004, the Fourth Geneva convention, Article 8 of the Rome Statute and numerous Security Council resolutions prohibit the transfer or deportation of population by the occupying power into the territory it occupies, defining them as war crimes and crimes against humanity. Despite absolute clarity under international law **settlements continued to thrive in a climate of impunity** - speakers stated that **demanding accountability for Israel's illegal practices was the way to achieve the two-State solution**.

Participants drew parallels between Israel's occupation of Palestinian territory, and other similar situations, pointing to the international community's different

response. Speakers introduced various **legal strategies** that States could adopt to promote adherence to international law, including referrals to the International Court of Justice and the International Criminal Court. Article 146 of the Fourth Geneva Convention allowed for the exercise of **universal jurisdiction** by national courts of Third High Contracting Parties. Third parties have **positive obligations under international humanitarian law**, including respect for international humanitarian law, non-assistance to an illegal situation, and respect for human rights by private domestic companies. From these obligations concrete actions by Third parties could include prohibition of import or trade in products manufactured in settlements. From a legal perspective the issue was not a question of "boycott" but for States to uphold their responsibilities and obligations under international law.

The use of various forms of **economic and trade means was debated**, labelling of products manufactured in settlements being one. Some participants called for **the European Union to suspend the Association Agreement** with Israel, as Article 2 of the Agreement stated that relations must be based on respect for human rights and democratic principles. The EU's failure to react to Israel's breaches of its commitments sent the message that violations of basic principles of human rights were tolerated.

Speakers noted that the European Union could do more to explain its **policy of "differentiation"** between Israel and its settlements policy on one hand and its bilateral relations with Israel on the other. The European Union held the legal responsibility, as normative actor and as Israel's largest trading partner to formulate incentives for Israel to change its settlements policy. With the United States

“withdrawing” from the Middle East peace process, with no peace talks in sight and a right-wing government in Israel, European Union could have a unique opportunity to become a key player in promoting the two-State solution.

In response to a question on the way forward, speakers argued that **political, economic and legal accountability for Israeli leadership** was a main concern for Israel. **Defining a border** contiguous to a viable Palestinian State and **estimating how many settlers would have to be relocated** to Israel were the only two real questions to answer. The border was currently being delineated unilaterally by Israel, through the construction of more settlements. Some suggested that comprehensive multilateral negotiations under the United Nations umbrella, coupled with a peace process addressing the core issues, such as the fate of Palestinian refugees, was the only way forward. Speakers also stressed the need to educate the Israeli public on the reality of settlements, including in relation to the

prospects for the two-State solution, and address the marginalization of the peace camp; it was argued that the prospects for a two-State solution were hampered by mere **lack of political will**. Experts agreed that the two-State solution remained the only possible solution also because it was in the interest of Israel, in order for it to remain a democratic State.

In closing remarks, the **Permanent Observer of the State of Palestine to the United Nations** in New York said that all available tools must be revisited to make Israel’s occupation and settlements costly. To save the two-State solution, Palestine requested that Israel stop settlement activities, which was the prerequisite for any political process. He urged the Security Council to take action and warned that if the body failed in its responsibilities an international conference to end the occupation of the Palestinian Territory would be necessary. Failure to move the peace process forward toward the two-State solution would fuel extremism and even perhaps religious conflict in the region.

IV. OCHA ISSUES A REPORT ON DEMOLITIONS IN AREA C

On 7 September 2015, the Office for the Coordination of Humanitarian Affairs issued a report entitled “Under Threat: Demolition Orders in Area C of the West Bank”. The following is the introduction of the report:

Area C is a home to approximately 300,000 Palestinians currently residing in 532 residential areas. Many of these residential areas are located entirely in Area C, but, in other cases, the area is part of a larger community, part of which is located in Areas A or B.¹

According to the Israeli Central Bureau of Statistics, there are also about 356,000

Israelis residing in 135 settlements and some 100 settlement ‘outposts’ established in Area C; both are considered to contravene international law, while the settlement ‘outposts’ are also considered illegal under Israeli law. The planning and zoning regime applied by the Israeli authorities, including the ways in which public land is allocated, makes it virtually impossible for Palestinians to obtain building permits in most of Area C. Even basic residential and livelihood structures, such as a tent or a fence, require a building permit. This

¹ OCHA, In the Spotlight: Area C Vulnerability Profile, 2014.

situation impedes the development of adequate housing, infrastructure and livelihoods in the Area C Palestinian communities, and has significant consequences for the entire West Bank population. A recent World Bank report, for example, estimated that if “businesses and farms were permitted to develop in Area C, this would add as much as 35 per cent to Palestinian GDP”.² Those Palestinian residents who attempt to stay are often left with no choice but to build without authorization to meet their basic needs.

Structures built without permits are regularly served with demolition orders. While only a minority of the orders issued are executed, these orders do not expire and leave affected households in a state of chronic uncertainty and threat. Where the orders are implemented, they have resulted in displacement and disruption of livelihoods, the entrenchment of poverty and increased aid dependency.

While the demolition of Palestinian structures in Area C of the West Bank is systematically monitored by the humanitarian community, the issue of demolition orders has received less attention. A database released by the Israeli Civil Administration (ICA) this year sheds light on the scope of this phenomenon. The dataset includes detailed information on all the demolition orders issued in Palestinian communities and Israeli settlements across Area C between 1988 and 2014.³ This OCHA report explores these data and highlights some of the key trends to emerge.

Creating Area C

² World Bank, report on “Area C of the West Bank and the Future of the Palestinian Economy,” report No: AUS2922, October 2013.

³ Letter from the Israeli Civil Administration to OCHA, 9 June 2015; HCJ11258/05 Majd ‘Afif ‘Aaref Hanani et al. vs. the Planning Inspection Committee et al., petition dated 2005.

In the 1995 Interim Agreement on the West Bank and the Gaza Strip, Israel and the Palestine Liberation Organization (PLO) agreed to the temporary division of the West Bank (excluding East Jerusalem) into three areas: A, B and C. In Area C, Israel retained full control over security and planning and zoning, as well as other aspects related to ‘territory’. This division was intended to last until a final status agreement was reached within five years.

With the breakdown in negotiations in 2000, approximately 36 per cent of the West Bank had been categorized as Areas A and B, with an additional three percent of land, designated a nature reserve that was to be transferred to the Palestinian Authority under the Wye River Memorandum. This left the majority of the West Bank as Area C. There has been no official change to this division since 2000. Of particular importance is that responsibility over planning and zoning in Area C, which was to be transferred to the Palestinian Authority by the end of 1998, has remained with Israel.

Moreover, Area C holds the most significant land reserves available for Palestinian development, as well as the bulk of Palestinian agricultural and grazing land. It is also the only contiguous territory in the West Bank; therefore, any large-scale infrastructure projects (roads, water and electricity networks, etc.) also involve work in Area C. As a result, the entire West Bank population is affected by what happens in Area C.

The Israeli position regarding Area C demolitions

According to the Israeli authorities, the demolition of structures erected without the required building permit is a legitimate measure of law enforcement grounded in

Jordanian legislation, which was in force at the start of Israeli rule in the West Bank, and in the amendments introduced to it since by Israeli military legislation. These demolitions are also consistent, according to the authorities, with Israel's obligations under Article 43 of the Hague Convention Respecting the Laws and Customs of War on Land of 1907, which requires the occupying power to ensure "[...] public order and safety, while respecting, unless absolutely prevented, the laws in force in the country." Finally, the Israeli authorities

defend the legality of demolitions by citing the 1995 Interim Agreement signed between Israel and the Palestine Liberation Organization (PLO), under which planning and zoning in Area C is subject to the approval of the appropriate planning committees.⁵

⁵ Letter from the Israeli Civil Administration to OCHA, 9 June 2015; HCJ11258/05 Majd 'Afif 'Aaref Hanani et al. vs. the Planning Inspection Committee et al., petition dated 2005.

V. UN SPECIAL COORDINATOR WELCOMES THE POSTPONEMENT OF THE PNC'S MEETING

On 9 September 2015, United Nations Special Coordinator for the Middle East Peace Process Nickolay Mladenov issued the following statement on the postponement of the meeting of the Palestinian National Council:

I note the decision announced by Palestine National Council (PNC) Chairman, Salim Zannoun to postpone the meeting of the PNC. This shows leadership and wisdom in giving adequate time for consultation with all factions in preparation of a regular session, which should strengthen unity and chart the way forward.

I welcome this inclusive approach, given the necessity of convening a regular session of the PNC.

I urge all Palestinian leaders and factions to seize this opportunity to take constructive steps towards achieving genuine Palestinian unity on the basis of the Palestine Liberation Organization (PLO) principles, and to strengthen the PLO as the sole and legitimate representative of the Palestinian people. This would be an important step forward towards ending the occupation and realizing a just and lasting solution on the basis of two states -- Palestine and Israel, living side-by-side in peace, security and mutual recognition".

VI. GENERAL ASSEMBLY DECIDES TO RAISE THE FLAGS OF NON-MEMBER OBSERVER STATES AT THE UNITED NATIONS

On 10 September 2015, the General Assembly adopted the following resolution on “Raising the flags of non-member observer States at the United Nations” (A/RES/69/320):

The General Assembly,

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

Bearing in mind the Preamble to the Charter and the reaffirmation of faith in the equal rights of men and women and of nations large and small,

Noting the participation of non-member observer States that maintain permanent observer missions at Headquarters in the sessions and work of the General Assembly,

Recalling that the State of Palestine became a non-member observer State at the United Nations on 29 November 2012, and

recalling also in this regard its resolution 67/19 of 29 November 2012 and previous relevant resolutions,

1. Decides that the flags of non-member observer States at the United Nations maintaining permanent observer missions at Headquarters shall be raised at Headquarters and United Nations offices following the flags of the States Members of the United Nations;

2. Requests the Secretary-General to take the measures necessary for the implementation of this decision during the seventieth session of the General Assembly and within 20 days of the adoption of the present resolution.

VII. UN SPECIAL COORDINATOR CONCERNED BY VIOLENCE IN JERUSALEM’S OLD CITY

On 13 September 2015, United Nations Special Coordinator for the Middle East Peace Process Nickolay Mladenov issued the following statement on escalating tensions in the Old City of Jerusalem:

I am particularly concerned by today’s provocations and violence in and around the Holy Sites of the Old City of Jerusalem.

I urge all to do their part in ensuring that visitors and worshippers demonstrate restraint and respect for the sanctity of the area.

Political and religious leaders have a responsibility to act against extremists, who

undermine the rule of law. I encourage all to stand firmly against incitement and violence, especially during the sensitive period of the Jewish High Holy Days and ahead of the Muslim Eid al-Adha.

I take note of the statement by the Prime Minister of Israel that the status quo at the Holy Sites will be maintained.

VIII. UN SPECIAL COORDINATOR BRIEFS THE SECURITY COUNCIL ON THE SITUATION IN THE MIDDLE EAST, INCLUDING THE PALESTINIAN QUESTION

On 15 September 2015, United Nations Special Coordinator for the Middle East Peace Process Nickolay Mladenov briefed the Security Council on the situation in the Middle East, including the Palestinian question. The following are excerpts from the briefing (S/PV.7521):

Let me begin by wishing all our Jewish colleagues and their families "*shanah tovah*" on the occasion of Rosh Hashanah. I would also like to wish "*eid mubarak*" to all our Muslim colleagues who will celebrate Eid al-Adha next week.

I begin my briefing today with grave concern over the violence and continuing clashes in and around the Old City of Jerusalem. On the morning of 13 September, the Israeli police entered the area outside the Al-Aqsa Mosque in what they said was an operation to head off attempts by extremists to disrupt visits by Jews and non-Muslim tourists. As Palestinian youth sought to barricade themselves in the Mosque, clashes ensued. According to an official statement by the Israeli police, pipe bombs, flares and stones had been stockpiled by the protestors. The Muslim Waqf reported that during this period its guards, for the first time, were not allowed in the compound and that three of its staff members had been injured. At least 60 others were injured in related fighting.

This pattern of clashes has continued with varying intensity for three days in the Al-Aqsa compound/ Temple Mount and the Old City of Jerusalem. It comes after sweeping restrictions on entry into the compound that Israel applied beginning on 26 August. Since then, the Government has decreed an entry ban for members of Muslim and some Jewish groups considered to be extremist. These latest incidents have echoed widely and have been condemned across the Muslim world and beyond, including by Palestinian President Abbas. Israeli Prime Minister Netanyahu has stated

that his Government will use all means to maintain the status quo and law and order at the compound.

As the Middle East faces a vicious tide of terror and extremism, such serious provocations have the potential to ignite violence well beyond the walls of the Old City of Jerusalem. I urge all political, community and religious leaders to ensure that visitors and worshippers demonstrate restraint and respect for the sanctity of the area. All sides have a responsibility to refrain from provocative actions and rhetoric. It is imperative that the historic status quo be preserved, in line with the agreements between Israel and His Majesty the King of Jordan, as Custodian of the Muslim holy sites in Jerusalem.

Against this backdrop, the Israeli-Palestinian conflict has left an indelible scar on the people and landscape of the region. Frustration, fear and violence have continued to spiral, undermining belief in finding a way out of the impasse. Over the past three months, the Middle East Quartet envoys have actively consulted with Egypt, Jordan, Saudi Arabia, the League of Arab States, the Gulf Cooperation Council and key international partners on how to preserve the two-State solution and establish conditions for the parties to return to meaningful negotiations. All of our discussions have highlighted the region's determination to play a constructive role in resolving the conflict.

But the message from all could not be more clear. Patience is running out. A

comprehensive approach must be advocated, consisting of bold, concrete actions on the ground, in the region and internationally. It will necessitate significant policy shifts on the part of Israel, as well as an unflinching commitment on the Palestinian side to achieving genuine national unity. I am encouraged by the efforts of Israel in recent months to ease some restrictions in the West Bank and Gaza. I call on the Government to expand upon them in order to address humanitarian, economic and infrastructural challenges, particularly in Area C of the West Bank. Progress in these areas, based on previously agreed steps, would significantly increase economic opportunities and strengthen security for Israelis and Palestinians alike.

Such initiatives must be part of a wider political process aimed at facilitating, not substituting for, a final status agreement. The Palestinian people also rightly expect their leaders to act decisively to advance national unity. I note the decision of the leadership to consult over the next three months with all factions and concerned Arab States on holding a meeting of the Palestinian National Council for the first time in almost two decades. The Secretary-General encourages all factions to seize that opportunity to take constructive steps to achieve unity on the basis of the Palestine Liberation Organization (PLO) principles and to strengthen the PLO as the sole and legitimate representative of the Palestinian people.

Regional and international constructive engagement is also key in this process. I encourage Israel to recognize the potential of the Arab Peace Initiative not just for sustainable peace and economic development, but also for creating a shared security architecture in a region that is in turmoil. At the international level, the Secretary-General will chair a meeting of

the Quartet on 30 September in order to discuss how to link regional and international efforts to create conditions on the ground for a return to meaningful negotiations.

Even as efforts intensify to return to an atmosphere conducive to talks, the situation on the ground remains precarious. This past month, clashes between Palestinians and Israeli settlers in the occupied West Bank continued, injuring one Palestinian and four Israelis. One hundred and fifteen Palestinians were injured by the Israel Defence Forces, while six members of the Israeli security forces were injured by Palestinians. In the West Bank, Israeli security forces arrested 282 Palestinians. On 13 September, one Israeli died and two were slightly injured in a car accident in Jerusalem, which may have been caused by a rock-throwing incident.

Also deeply troubling is the continuing Israeli policy of settlement construction and the demolition of Palestinian-owned structures in Area C of the West Bank, including East Jerusalem. I call upon Israel to freeze demolitions, to reverse relocation plans and — critically — to expedite the approval of outstanding planning submissions and enable community-led planning processes. Since my last briefing, some 50 Palestinian structures have been demolished. I am alarmed that the calendar month of August saw the highest number of demolitions since June 2010, with 142 Palestinian-owned structures demolished and over 200 people displaced.

Turning to Gaza, let me begin by reminding the Council that the situation there remains precarious and there is growing discontent among the population. With power outages averaging 12 to 16 hours per day, and with 40,000 public sector employees not having received full salaries

for over one year, the people of Gaza are suffering. The United Nations will continue to support the efforts of the legitimate Palestinian institutions and to reach out to all factions in order to ensure that the humanitarian, social and economic challenges of Gaza are addressed.

Over the last month, five rockets were fired at Israel by militant groups from Gaza, of which one impacted an open area in southern Israel without causing injury, while a further 10 rockets were test-fired at the sea. Israeli security forces conducted two airstrikes inside the Strip, neither of which resulted in injuries. Such incidents underscore the fragile dynamics within Gaza which, without positive change, will continue to provide fertile ground for extremism to flourish — extremism that will ultimately undermine the Palestinian goal of statehood.

Israeli measures to relax some movement restrictions on Gaza over the past year have not enabled people to maintain normal family and economic ties or to increase their economic self-sufficiency. Moreover, restrictions on the import of goods defined as having a dual use continue to impede humanitarian recovery and reconstruction efforts.

The United Nations reiterates its call for a full lifting of all closures on Gaza, as envisaged in resolution 1860 (2009), with due consideration for the security concerns of Israel and Egypt. In that context, I am glad to report that reconstruction, despite funding shortfalls, is picking up speed. I reiterate my call to international partners to disburse their pledges made during the Cairo

conference. Meanwhile, some 94,000 homeowners have procured construction material to repair their homes. Construction is also progressing on 315 projects, including housing, water networks and schools, which have been submitted for Israeli approval. Eighteen projects have been completed and 149 are ongoing.

Let me be clear on one point related to Gaza: without genuine Palestinian reconciliation and unity, all efforts to improve the situation will face major difficulties. I welcome the determination of Prime Minister Hamdallah and his efforts to find a solution to the problem of public sector employees in Gaza. The United Nations stands ready to work with all stakeholders and to support the Government in mobilizing the necessary resources for that process.

...

Allow me to conclude by underlining that, for too long, the Israeli and Palestinian populations have lived their lives vacillating between hope and fear, with fear frequently triumphing. The time has now come to right that balance and restore the hope for a peaceful future for both Palestinians and Israelis. To do so will require a broad approach that integrates tough political decisions by the parties on the ground, focused engagement and goodwill of key regional actors, and coherent, reliable support from the international community. The United Nations stands ready to play its role in helping to shape this strategy and to work towards the goal of a comprehensive and just peace in the region.

IX. SECURITY COUNCIL EXPRESSES GRAVE CONCERN ABOUT ESCALATING TENSIONS IN JERUSALEM

On 17 September 2015, the President of the Security Council issued the following press statement on the situation in Jerusalem (SC/12052-PAL/2196):

The members of the Security Council expressed their grave concern regarding escalating tensions in Jerusalem, especially surrounding the Haram al-Sharif compound, including recent clashes in and around the site.

The members of the Security Council called for the exercise of restraint, refraining from provocative actions and rhetoric and upholding unchanged the historic status quo at the Haram al-Sharif — in word and in practice. The members of the Security Council called for full respect for international law, including international human rights law and international humanitarian law, as may be applicable in Jerusalem.

The members of the Security Council urged all sides to work cooperatively together to lower tensions and discourage violence at holy sites in Jerusalem.

The members of the Security Council appealed for the restoration of calm and called for full respect for the sanctity of the Haram al-Sharif, noting the importance of

the special role of Jordan, as confirmed in the 1994 peace treaty between Jordan and Israel, and encouraged increased coordination between Israel and Jordan's Awqaf department. The members of the Security Council underscored that Muslim worshippers at the Haram al-Sharif must be allowed to worship in peace, free from violence, threats and provocations. The members of the Security Council further underscored that visitors and worshippers must demonstrate restraint and respect for the sanctity of the area and for maintaining the historic status quo at the holy sites. The members of the Security Council urged that the status quo of the Haram al-Sharif should be maintained and visitors should be without fear of violence or intimidation.

The members of the Security Council called for the immediate cessation of violence and for all appropriate steps to be taken to ensure that violence ceases, that provocative actions are avoided and that the situation returns to normality in a way which promotes the prospects for Middle East peace between the Israelis and the Palestinians.

X. SECRETARY-GENERAL CONDEMNS ROCKET ATTACKS FROM GAZA

On 20 September 2015, the Spokesperson for Secretary-General Ban Ki-moon issued the following statement on rocket attacks on Israel (SG/SM/17086):

The Secretary-General condemns the recent rocket attacks by extremist Palestinian militants on Israel from Gaza.

Such indiscriminate attacks on civilian areas risk a dangerous escalation and must

stop. The people of southern Israel and Gaza have suffered enough from such violence.

XI. UNSCO ISSUES ITS REPORT TO THE AD HOC LIAISON COMMITTEE

On 22 September 2015, the Office of the United Nations Coordinator for the Middle East Peace Process issued a report to be presented to a meeting of the Ad Hoc Liaison Committee on 30 September 2015 at United Nations Headquarters in New York. The following is the Executive Summary of the report:

Since the last meeting of the Ad-Hoc Liaison Committee in Brussels on 27 May 2015, the international community has continued to work to establish a path towards resumption of final status negotiations amidst a fragile and tense security environment.

The political and security situation in the West Bank, including East Jerusalem, deteriorated during the reporting period, with tensions increasing, particularly since June. This has been driven mostly by increasing violence between Palestinians and Israelis, a sharp rise in demolitions of Palestinian-owned structures, and clashes between Palestinians and Israeli Security Forces. In July a shocking arson attack by extremist terrorists against a Palestinian family, which resulted in the death of three of four family members, was strongly condemned by Israeli and Palestinian leadership alike, but nevertheless contributed to a spike in violence during August. Violence and continuing clashes in and around the Old City of Jerusalem are a source of deep international concern. As the Middle East faces a vicious tide of terror and extremism, such serious provocations have the potential to fuel violence well beyond the walls of the Old City. All must demonstrate restraint and respect for the sanctity of the area and refrain from provocative actions and inciting rhetoric. Construction of settlements continued despite significant slowdown in planning of new housing units for settlements in the West Bank and East Jerusalem.

In the absence of a political process, the rise of violent extremism and terrorism in the region presents a danger as much to the legitimate aspirations of Palestinians for statehood, as to the security of Israel. That is why bold and concrete actions are urgently required to stabilise the situation on the ground, to improve the lives of Palestinians, and to strengthen Palestinian unity in order to enable a return to meaningful negotiations. Implementation of existing agreements including the Paris Protocol is an essential next step, including a sustainable solution on tax collection which will help ensure predictable and unconditional transfer of tax revenues and offer transparency in relation to deductions made for monies owed by the Palestinian government. Multiyear financial support to the GNC is critical to enhance its fiscal stability.

Palestinian political divisions remain a fundamental challenge to the ability of the Government of National Consensus (GNC) to address the serious political, security, humanitarian and economic challenges in Gaza. To date, there has been little concrete progress in the Government's efforts to integrate the administrative, legal and financial systems and, crucially, of the security services, between the Gaza Strip and West Bank. Nevertheless, the GNC has made progress on a number of state-building objectives.

Area C is fundamental to the contiguity of the West Bank and the viability of

Palestine and its economy. In a 2013 report the World Bank estimated that if restrictions on Area C were lifted, the combined direct and indirect economic benefit could total \$3.4 billion which would yield \$800 million a year of additional tax revenues. Greater and more far reaching progress for Palestinians in Area C is now essential. This includes establishing infrastructure, including to service areas A and B as well as the approval of community driven outline plans in Area C. So far of the 77 plans (out of the 108 drafted) that have been submitted to the Israeli Civil Administration (ICA), only three have been approved by the Government of Israel. In parallel, the Government of Palestine (GoP) must complement this effort through the National Spatial Plan.

The United Nations remains highly concerned about the recent moves to relocate Bedouin communities near Abu Nwar in the politically sensitive El area of the West Bank. The Susiya community located in southern Hebron is also at serious risk of forcible displacement. The continuing Israeli policy of settlement construction and demolition of Palestinian-owned structures in Area C and East Jerusalem remains deeply troubling. The UN continues to call upon Israel to freeze demolitions, to reverse 'relocation' plans and — critically — to expedite approval of outstanding planning submissions and enable community-led planning processes to move forward.

The situation on the ground in the West Bank, including East Jerusalem, remained volatile. The 300,000 Palestinians resident in occupied East Jerusalem continue to face long-standing obstacles to their access to housing resulting from the limited land available for construction purposes and the long and costly licensing process for approval of any new structures. Since the

beginning of April 2015, 25 structures were demolished by the Israeli authorities, displacing 24 people including 8 children and affecting 152 people including 77 children. The Israeli authorities are urged to increase the area zoned for Palestinian construction in order to respond to the natural growth needs of the Palestinian communities, freeze demolition orders and ensure that planning for East Jerusalem is participatory and takes account of natural growth and the development needs of the resident population resident in East Jerusalem. Access to education for Palestinian children continues to be of concern due to shortage of affordable classrooms well as restrictions on access of teachers and pupils with West Bank ID cards.

The situation in Gaza remains precarious with growing discontent among the population. With power outages averaging 12 to 16 hours per day, and with 40,000 public sector employees not having received full salaries for over one year, the people of Gaza are suffering. The United Nations continues to call for a lifting of all closures on Gaza within the framework of Security Council resolution 1860 (2009) and in line with Israel and Egypt's security concerns. In the absence of such a change, the temporary Gaza Reconstruction Mechanism (GRM) increasingly enables the entry of material at scale and for a wide range of actors, including the private sector. Over 95,000 people have purchased construction material to repair their houses and work has begun on the 18,000 totally destroyed or severely damaged homes. Far more funding, however, is needed to support this as well as the next phase of reconstruction, including the rebuilding of entirely destroyed neighbourhoods like Shejayiah. Finally, over 300 infrastructure and construction projects are now either underway or cleared to commence. Just under half of the projects in

the system are privately funded Palestinian projects. Removing aggregate and bar, medical equipment, alternative electrical supply equipment and civil defence equipment from the dual-use list will ease unnecessary delays and processing time.

Energy and water are also desperately needed. Progress will require the establishment of a natural gas pipeline and the conversion of the power plant in Gaza to enable it to use that natural gas once the natural gas becomes available and the establishment of a high voltage line (161kv) to enable the temporary import of electricity until such time as the Gaza Power Plant can produce power using natural gas. Reliable energy is a pre-requisite to addressing

Gaza's acute water crisis, including through the development of waste water treatment facilities as well as desalination. In turn, technical losses in the electricity network need to be reduced through continued network rehabilitation as well as increasing collection levels from end users, such as through the increased installation of prepaid meters. The contours of a comprehensive approach to these issues is outlined in Annex A of the September 2014 UN report to the AHLC.

Ultimately, however, for Gaza to flourish it will need to be able to trade with Israel, with the rest of Palestine and with the world.

XII. SECRETARY-GENERAL SUBMITS THE REPORT OF THE SPECIAL RAPPORTEUR ON PALESTINIAN HUMAN RIGHTS

On 25 September 2015, Secretary-General Ban Ki-moon transmitted to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Makarim Wibisono. The following are the introduction and the conclusions and recommendations of the report (A/70/392):

I. Introduction

1. The present report is the third submitted by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Makarim Wibisono, and the second presented to the General Assembly.

2. As a result of continued lack of access to the Occupied Palestinian Territory, the Special Rapporteur conducted his second mission to the region in Amman where, from 9 to 12 June 2015, he met with victims, witnesses, non-governmental organizations, United Nations representatives, Palestinian officials and other interested parties to gather information on the situation of human rights in the Occupied Palestinian Territory. The Special Rapporteur extends his

gratitude to the Government of Jordan for its support to his mission.

3. Written submissions were received in addition to the oral submissions and information gathered since his previous reports (A/HRC/28/78, A/69/301 and Corr.1). The Special Rapporteur is extremely appreciative of the briefings, testimonies and documentation that were provided and which, to a large extent, have informed the present report. The issue of the human rights impact of business operating in the Occupied Palestinian Territory, including in settlements, remains of concern and may be taken up outside the scope of the present report, which is subject to limitations of space.

4. In the context of the mission, travel restrictions imposed by the Government of Israel affected the ability of some members of Palestinian non-governmental organizations to meet with the Special Rapporteur. Videoconferencing was used several times, including for meetings with Palestinian non-governmental representatives from Gaza. Challenges such as these typify the obstacles faced by Palestinians who wish to travel abroad, or even between Gaza and the West Bank, including East Jerusalem.

5. The Special Rapporteur wishes to express his appreciation for the full cooperation with his mandate extended by the Government of the State of Palestine, including the agreement to facilitate access to the Occupied Palestinian Territory.

6. Despite a measure of positive interaction through the Permanent Mission of Israel to the United Nations Office in Geneva, including responses to a number of communications sent by the Special Rapporteur to the Government in which he raised human rights concerns, cooperation and access to the Occupied Palestinian Territory were not forthcoming. The Special Rapporteur encourages the Government of Israel to reinforce its engagement in bilateral dialogue, including through communications.

7. The Special Rapporteur stands ready to visit the Occupied Palestinian Territory and reiterates his request to the Government of Israel to grant him unencumbered access, including meetings with relevant Israeli officials. He continues to believe that cooperation with the mandate is in Israel's interest and would contribute to the effective and even-handed implementation of the mandate. The Special Rapporteur recalls the assurances of access made upon his appointment. It is deeply regrettable that,

more than a year after his appointment, those assurances, have not been honoured. It is incumbent on Israel, as on any Member State, to extend cooperation to the holder of a mandate appointed by the United Nations. Should the prospects of gaining access remain unlikely, the Special Rapporteur will have to reconsider how the mandate can best be served.

8. As reflected in the present report, the Special Rapporteur considers that accurate reporting on allegations of Israeli violations of international human rights law and international humanitarian law in the Occupied Palestinian Territory, in line with his mandate, sometimes requires that contextual factors, including the impacts of actors other than Israel, be reflected. The Special Rapporteur reiterates his unequivocal intention to report independently and objectively as long as he continues to hold the mandate.

9. At the outset, the Special Rapporteur wishes to make two overarching observations regarding the situation of human rights in the Occupied Palestinian Territory. The first concerns the extremely precarious circumstances in Gaza following the escalation of hostilities that took place between 7 July and 26 August 2014. During this period, Israel's military operation in Gaza included thousands of air strikes against Gaza and a ground operation by the Israel Defense Forces from 17 July to 5 August.¹ The Special Rapporteur is aware that Hamas and other Palestinian armed groups fired thousands of rockets and mortars towards Israel during the escalation of hostilities.² The Israeli military operation

¹ See the report of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1 (A/HRC/29/52 and A/HRC/29/CRP.4).

² Impacts reported by Israel include six civilian fatalities in Israel. Israel Ministry of Foreign Affairs, *The 2014 Gaza Conflict (7 July-26 August 2014): Factual and Legal Aspects*, executive summary, May 2015, paras. 31-36.

caused immense destruction, death and injury in Gaza and exacerbated an already fragile humanitarian situation, affecting a host of human rights. The current situation results from the cumulative effects of the slow strangulation of the Palestinian economy and livelihoods by the Israeli blockade maintained for over eight years; the deterioration of the physical and psychological well-being of the surviving population of Gaza following three successive escalations of hostilities in six years; and the devastated state of infrastructure, including essential utilities such as water and electricity, as well as housing.³

10. Several human rights organizations in Gaza have warned that the desperate situation in Gaza is creating fertile ground for the growth of extremism and violence. A further erosion of living conditions and human rights standards in Gaza will only continue to destabilize the situation. Rapid improvements in respect for international law, and for human rights in particular, are needed to avert this threat to the security of Palestinians and Israelis alike.⁴

11. The second broad concern is the continuing severe consequences for the human rights of Palestinians resulting from the existence and expansion of Israeli settlements in the West Bank, including East Jerusalem. Settlement-related impacts include forced eviction and forcible transfer of Palestinians in connection with land confiscations; infringements on the rights to housing, water, health and freedom of movement; settler violence; and excessive use of force by Israeli security forces.⁵

³ Engaging provisions of international human rights law including articles 6, 11, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights and articles 6, 9 and 12 of the International Covenant on Civil and Political Rights.

⁴ "We must not fail in Gaza", joint statement by 30 international aid agencies issued on 26 February 2015.

12. Several Palestinian government officials and civil society representatives characterized 2014 as a devastating year. Many highlighted the increased number of fatalities and injuries among Palestinians. The tragic escalation of hostilities in Gaza raised numbers exponentially, while deaths and injuries also rose sharply in the West Bank, including as a result of encounters with Israeli security forces.

13. With respect to the right to self-determination under common article 1 of the International Covenants on Human Rights, information provided left the Special Rapporteur gravely concerned that the impacts of settlements, including on the territorial continuity of occupied Palestinian land and on the environment and natural resources, had reached a point where much of the damage might be irreversible.

14. In the context of the long-standing Israeli-Palestinian conflict, there is a distinct risk that relative inaction by the international community will facilitate a continuation of the destructive cycle of human rights violations and violence. On the basis of information received, the Special Rapporteur is convinced that the situation across the Occupied Palestinian Territory is indeed worsening and that violations of the human rights of Palestinians living under Israeli occupation are being further entrenched.

15. The general failure of accountability for past violations of human rights and international humanitarian law in the Occupied Palestinian Territory is a troubling indication that inaction will only lead to more injustices. Countless United Nations resolutions and reports attest to a situation that involves a persistent disregard for international law, including human rights law. The continuation of this reality, and the

implications for future generations, cannot be tacitly accepted.

...

VI. Conclusions and recommendations

86. The cumulative effects of Israeli occupation policies and practices, most prominently settlement expansion and related impacts, the blockade, movement restrictions and the military justice system, are having a debilitating effect on Palestinian society. Avoiding further destabilization requires that the routine violations of the human rights of the Palestinian people living under occupation be addressed. Critically, without accountability, 48 years of occupation have shown that Israeli policies and practices, which run counter to international human rights law and international humanitarian law, will continue.

87. Accordingly, the Special Rapporteur reiterates recommendations previously made (A/IIRC/28/78) and presents and re-emphasizes the following recommendations to the Government of Israel:

(a) Lift the blockade on Gaza, which is a primary obstacle to reconstruction, undermines human rights and constitutes collective punishment;

(b) Ensure that domestic-level investigations provide accountability, including by widening the scope of investigations to include the legality under international law of policy decisions guiding the Israel Defense Forces during the 2014 military operation in Gaza;

(c) Halt settlement expansion and refrain from demolitions in the West Bank,

including East Jerusalem. In particular, halt and abandon the plan entailing the forced eviction and forcible transfer of Bedouin communities in Area C;

(d) Ensure compliance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990 and conduct full investigations into cases of excessive use of force by Israeli security forces and into allegations of settler violence;

(e) Remove procedural and physical barriers, including the wall, that obstruct access to health care for Palestinians in Gaza and the West Bank, including East Jerusalem;

(f) Ensure that all Palestinian schoolchildren in East Jerusalem have access to education, in particular by addressing the shortage of classrooms, and enable them to follow the curriculum set by the Palestinian Ministry of Education;

(g) End the practice of administrative detention and respect the right of Palestinian prisoners and detainees to peaceful protest, including by refraining from force-feeding those who engage in hunger strikes;

(h) Urgently redouble efforts to implement recommendations by UNICEF with respect to the detention of children, in particular, ensuring that children are detained only as a last resort;

(i) Cooperate with the Special Rapporteur and any United Nations-mandated body, as required of a State Member of the United Nations, and facilitate access to the Occupied Palestinian Territory.

XIII. QUARTET MEETS IN NEW YORK

On 30 September 2015, the Quartet issued the following statement after its meeting in New York (SG/2220):

Representatives of the Quartet — United Nations Secretary-General Ban Ki-moon, Russian Foreign Minister Sergey Lavrov, United States Secretary of State John Kerry and European Union High Representative for Common Foreign and Security Policy Federica Mogherini — met in New York on 30 September.

The Quartet agreed to consult with Egyptian Foreign Minister Sameh Shoukry, Jordanian Foreign Minister Nasser Judeh, Saudi Arabian Foreign Minister Adel al-Jubeir, and Secretary-General of the League of Arab States Nabil Elaraby, as part of its regular and direct outreach to key Arab partners. The Quartet also agreed to hear from other stakeholders from the international community. The Quartet emphasized the importance of constructive international contributions to advancing a comprehensive peace and affirmed that it will continue its outreach efforts.

The Quartet reaffirmed its steadfast commitment to achieving a two-state outcome that meets Israeli security needs and Palestinian aspirations for Statehood and sovereignty, ends the occupation that began in 1967 and resolves all permanent status issues in order to end the conflict. It recalled its previous statements and relevant Security Council resolutions and pledged its active support for a just, comprehensive and lasting resolution of the Palestinian-Israeli conflict on the basis of United Nations Security Council resolutions 242 (1967) and 338 (1973). It noted that the intensifying threat of terrorism, sectarian extremism and radicalization in the Middle East reinforces the need to pursue a negotiated two-State solution.

The Quartet noted with deep concern recent violence and escalating tensions surrounding the holy sites in Jerusalem and called upon all parties to exercise restraint, refrain from provocative actions and rhetoric, and preserve unchanged the status quo at the holy sites in both word and practice.

The Quartet expressed its serious concern that current trends on the ground — including continued acts of violence against Palestinians and Israelis, ongoing settlement activity and the high rate of demolitions of Palestinian structures — are dangerously imperiling the viability of a two-State solution. The Quartet condemned in the strongest possible terms violence against Israeli and Palestinian civilians and reiterated that unilateral actions by either party cannot prejudge the outcome of a negotiated solution.

The Quartet underscored that the status quo is not sustainable and stressed the importance of both sides' demonstrating, through policies and actions, a genuine commitment to a two-State solution in order to rebuild trust and avoid a cycle of escalation. The Quartet expressed strong support for concrete and significant steps that will help stabilize the situation, reverse current trends by showing meaningful progress towards creating a two-State reality on the ground and restore hope among Palestinians and Israelis that a negotiated peace is possible.

The Quartet acknowledged Israel's recent steps to ease certain restrictions in the West Bank and Gaza. It noted that positive and significant policy shifts, particularly in

Area C, will be critical to increasing the Palestinian Authority's ability to address key economic, security and institutional challenges, and can be advanced while respecting Israel's legitimate security needs. Consistent with the transition to greater Palestinian civil authority contemplated by prior agreements, progress in the areas of housing, water, energy, communications, agriculture and natural resources will significantly increase economic opportunities, empower Palestinian institutions and enhance stability and security for both Israelis and Palestinians.

The Quartet stressed that the Palestinian commitment to building institutions, improving governance and strongly opposing incitement and violence in all forms remains critically important to laying the groundwork for a viable independent Palestinian State living side by side in peace and security with Israel. The Quartet expressed support for the Palestinians to achieve genuine national unity on the basis of the Palestine Liberation Organization (PLO) principles. The Quartet noted the importance of ensuring that the governance framework of the West Bank and Gaza is integrated under the single legitimate authority that takes control of the border crossings in Gaza, implements civil service integration and pays public sector salaries.

The Quartet urged an immediate focus on accelerating efforts to address the dire situation in Gaza, emphasized the

importance of increased access through legal crossings and called on all international partners to expedite the disbursement of their pledges made at the Cairo Conference in October 2014.

The Quartet stands ready to support initiatives to advance these objectives in order to achieve a comprehensive two-State solution. The Quartet stressed the importance of continued support from key stakeholders in the region, and noted the significance and importance of the Arab Peace Initiative with its vision for a comprehensive settlement of the Arab-Israeli conflict and the opportunity for building a regional security framework. It also expressed appreciation for the support of many key partners from the international community and called on all to provide concrete measures to advance the prospects for a two-State solution.

The Quartet Envoys will engage directly with the parties in order to explore concrete actions both sides can take to demonstrate their genuine commitment to pursuing a two-State solution, including encouraging efforts to agree on significant steps, consistent with prior agreements, that benefit Israelis and Palestinians. The Envoys will also build on their outreach to regional States and international partners to examine how they may contribute to a comprehensive resolution of the conflict and will report back to the Quartet Principals.

XIV. FLAG OF THE STATE OF PALESTINE RAISED AT UN HEADQUARTERS

On 30 September 2015, the flag of the State of Palestine was raised for the first time at United Nations Headquarters in New York. The following are the remarks by Secretary-General Ban Ki-moon at the flag raising ceremony (SG/SM/17163-HQ/701):

This is a day of pride for Palestinians around the world. It is a day of hope. It is reminder that symbols are important — and that a symbol can lead to action in the right direction.

The symbolism of raising your flag at the United Nations reflects the commitment of the Palestinian Authority to pursue the long-held dream of the Palestinian people for their own State. It also symbolizes the long-standing commitment of the United Nations to support Palestinian aspirations.

We can be under no illusion that this ceremony represents the end goal. Achieving Palestinian Statehood requires decisive action to advance national unity. The first step is ensuring that the West Bank and Gaza are integrated under a single authority.

Now is the time to support initiatives which will preserve the two-State solution and create the conditions for a return to

meaningful negotiations on the basis of an agreed framework.

Now is the time to restore confidence by both Israelis and Palestinians for a peaceful settlement, and at last, the realization of two States for two peoples.

I sincerely hope that a successful peace process will soon yield a day when we unfurl the Palestinian flag in its proper place — among the family of nations as a sovereign Member State of the United Nations.

May the raising of this flag give rise to the hope among the Palestinian people and the international community that Palestinian statehood is achievable. Let us continue to work together to realize the aspirations that this flag carries; Israel and Palestine, living side by side in peace and security. Mabrouk. Thank you. Shukran jazeelan.

XV. SECRETARY-GENERAL ADDRESSES THE AD HOC LIAISON COMMITTEE

On 30 September 2015, Secretary-General Ban Ki-moon made the following remarks at a meeting of the Ad Hoc Liaison Committee at United Nations Headquarters in New York (SG/SM/17164):

I am pleased to welcome all of you to this important forum. I thank Norway for bringing us all together. I also want to extend my warmest wishes to our Muslim colleagues and their families on the occasion of Eid al-Adha, and to wish my Jewish colleagues a happy Sukkot.

This meeting is taking place against the backdrop of a very challenging and volatile situation on the ground. Violence and continuing clashes in and around the Old City of Jerusalem are a source of deep international concern. As the Middle East faces a vicious tide of terror and extremism, such serious provocations have the potential to ignite violence well beyond the walls of

the Old City. All must demonstrate restraint and refrain from provocative actions and rhetoric. Rocket attacks by extremist Palestinian militants on Israel from Gaza are a further threat and must stop.

In the absence of a political process, the rise of violent extremism and terrorism in the region present a danger as much to the legitimate aspirations of Palestinians for statehood, as to the security of Israel. That is why bold and concrete actions are urgently required to stabilize the situation on the ground, improve the lives of Palestinians, strengthen Palestinian unity and enable a return to negotiations.

In Gaza, reconstruction has accelerated. Work has begun on the 18,000 homes that were totally destroyed or severely damaged. But, far more funding is needed to support this and the next phase of reconstruction. I call on international partners to disburse the funds pledged at the Cairo conference. Energy and water are also needed desperately.

These steps are critical, but insufficient. For Gaza to flourish, it will need to be able to trade with Israel, with the rest of Palestine and with the world. Lasting progress can be realized only through the implementation of Security Council resolution 1860 (2009) in all its elements, building on a full calm and a lifting of the closure.

Progress in Area C is also essential. The World Bank has estimated that, if restrictions on Area C were lifted, the combined direct and indirect economic benefit could total \$3.4 billion, which would yield \$800 million a year in additional tax revenues. We need to take the steps that would make such progress possible.

I hope today's deliberations will help ensure continued support for the Palestinian Authority's State-building and development objectives, while strengthening Israeli-Palestinian economic cooperation. Thank you again for your support.