

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY DURING ITS FIFTH EMERGENCY SPECIAL SESSION⁴

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⁴ Resolutions adopted without reference to a Main Committee (see foot-note 1, p. 1).

2252 (ES-V). Humanitarian assistance

The General Assembly,

Considering the urgent need to alleviate the suffering inflicted on civilians and on prisoners of war as a result of the recent hostilities in the Middle East,

1. Welcomes with great satisfaction Security Council resolution 237 (1967) of 14 June 1967, whereby the Council:

(a) Considered the urgent need to spare the civil populations and the prisoners of war in the area of conflict in the Middle East additional sufferings;

(b) Considered that essential and inalienable human rights should be respected even during the vicissitudes of war;

(c) Considered that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949⁵ should be complied with by the parties involved in the conflict;

(d) Called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place and to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities;

(e) Recommended to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war, contained in the Geneva Conventions of 12 August 1949;⁶

(f) Requested the Secretary-General to follow the effective implementation of the resolution and to report to the Security Council;

2. Notes with gratitude and satisfaction and endorses the appeal made by the President of the General Assembly on 26 June 1967;⁷

3. Notes with gratification the work undertaken by the International Committee of the Red Cross, the League of Red Cross Societies and other voluntary organizations to provide humanitarian assistance to civilians;

4. Notes further with gratification the assistance which the United Nations Children's Fund is providing to women and children in the area;

5. Commends the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for his efforts to continue the activities of the Agency in the present situation with respect to all persons coming within his mandate;

6. Endorses, bearing in mind the objectives of the above-mentioned Security Council resolution, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and are in serious need of immediate assistance as a result of the recent hostilities;

7. Welcomes the close co-operation of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and of the other organizations concerned, for the purpose of co-ordinating assistance;

8. Calls upon all the Member States concerned to facilitate the transport of supplies to all areas in which assistance is being rendered;

9. Appeals to all Governments, as well as organizations and individuals, to make special contributions for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and also to the other intergovernmental and non-governmental organizations concerned;

10. Requests the Secretary-General, in consultation with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report urgently to the General As-

⁵ United Nations, *Treaty Series*, vol. 75 (1950), No. 972.

⁶ United Nations, *Treaty Series*, vol. 75 (1950), Nos. 970-973.

⁷ See *Official Records of the General Assembly, Fifth Emergency Special Session, Plenary Meetings*, 1536th meeting, paras. 29-37.

sembly on the needs arising under paragraphs 5 and 6 above;

11. *Further requests* the Secretary-General to follow the effective implementation of the present resolution and to report thereon to the General Assembly.

*1548th plenary meeting,
4 July 1967.*

2253 (ES-V). Measures taken by Israel to change the status of the City of Jerusalem

The General Assembly,

Deeply concerned at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the City,

1. *Considers* that these measures are invalid;
2. *Calls upon* Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem;
3. *Requests* the Secretary-General to report to the General Assembly and the Security Council on the situation and on the implementation of the present resolution not later than one week from its adoption.

*1548th plenary meeting,
4 July 1967.*

2254 (ES-V). Measures taken by Israel to change the status of the City of Jerusalem

The General Assembly,

Recalling its resolution 2253 (ES-V) of 4 July 1967, *Having received* the report submitted by the Secretary-General,⁸

Taking note with the deepest regret and concern of the non-compliance by Israel with resolution 2253 (ES-V),

1. *Deplores* the failure of Israel to implement General Assembly resolution 2253 (ES-V);
2. *Reiterates* its call to Israel in that resolution to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem;
3. *Requests* the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the present resolution.

*1554th plenary meeting,
14 July 1967.*

⁸ A/6753. For the printed text of this document, see *Official Records of the Security Council, Twenty-second Year, Supplement for July, August and September 1967*, document S/8052.

2255 (ES-V). Credentials of representatives to the fifth emergency special session of the General Assembly

The General Assembly

Approves the report of the Credentials Committee.⁹
*1556th plenary meeting,
17 July 1967.*

2256 (ES-V). The situation in the Middle East

The General Assembly,

Having considered the grave situation in the Middle East,

Considering that the Security Council continues to be seized of the problem,

Bearing in mind the resolutions adopted and the proposals considered during the fifth emergency special session of the General Assembly,

1. *Requests* the Secretary-General to forward the records of the fifth emergency special session of the General Assembly to the Security Council in order to facilitate the resumption by the Council, as a matter of urgency, of its consideration of the tense situation in the Middle East;

2. *Decides* to adjourn the fifth emergency special session temporarily and to authorize the President of the General Assembly to reconvene the session as and when necessary.

*1558th plenary meeting,
21 July 1967.*

2257 (ES-V). The situation in the Middle East

The General Assembly,

Having considered the grave situation in the Middle East,

Expressing its utmost concern about that situation,

1. *Decides* to place on the agenda of its twenty-second regular session, as a matter of high priority, the question on the agenda of its fifth emergency special session;

2. *Refers* to its twenty-second regular session, for consideration, the records of the meetings and the documents of its fifth emergency special session.

*1559th plenary meeting,
18 September 1967.*

⁹ *Official Records of the General Assembly, Fifth Emergency Special Session, Annexes, agenda item 3, document A/6742.*

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20 June 1967

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LETTER DATED 13 JUNE 1967 FROM THE MINISTER FOR FOREIGN AFFAIRS
OF THE UNION OF SOVIET SOCIALIST REPUBLICS (A/6717)

Note by the Secretary-General submitting a report of the
Commissioner-General of the United Nations Relief and
Works Agency for Palestine Refugees in the Near East

Because of the widespread interest in the humanitarian problems resulting from the recent hostilities in the Near East, the Secretary-General is submitting to the Members of the General Assembly and of the Security Council the following report from the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA):

"1. Following the request from the Israel Government that UNRWA should resume operations, and having notified the Arab host States of my intentions, I travelled to Jerusalem on 12 June. On 13 June I visited certain parts of the West Bank of the Jordan and on 14 and 15 June Gaza. During this time basic arrangements were agreed between the Agency and the Government of Israel to enable UNRWA to continue its vital humanitarian task. These arrangements imply no commitment or position by the Agency with regard to the status of the areas in question or any instrument relating to them and do not affect the Agency's subjection to resolutions or instructions emanating from the United Nations. In outlining below the present situation, as it affects that task, and the problems which now appear to face the Agency, I would emphasize that my personal knowledge of the present situation is necessarily limited, since

* Also issued under the symbol A/6723.

the visit was brief and restricted in scope. I have also had the benefit of valuable reports on the local situation from my staff in the various areas, but limitations on the movement of my staff in these areas have meant that it is too early to expect comprehensive and accurate reports from them.

"A. AREAS IN WHICH MAJOR HOSTILITIES OCCURRED

"(a) Gaza

"2. My impression is that casualties among the civilian population had been higher here than elsewhere, and damage to property and housing heavier. However, the Agency's camps and installations were all more or less intact, and it appeared that all needing medical attention were receiving it and that medical supplies were adequate for immediate needs. Public utility services were seriously disrupted and public transport unavailable. Movement was seriously restricted by curfews and by occasional sniping and mining of roads. The civilian population had virtually all remained in Gaza.

"(b) West Bank of the Jordan

"3. In the old city of Jerusalem the situation was much akin to Gaza. Damage was widespread but did not amount to devastation in any areas inspected by me or my staff. In other parts of the West Bank the situation varied considerably, but on the whole the civilian casualties, damage and disruption of normal life appeared less, except for the exodus from the Jordan Valley mentioned below.

"(c) Southern Syria

"4. No Agency staff have been able to enter this area and I have no information other than press and radio reports.

"(d) Movement of civilian population

"5. This has been negligible in Gaza. In Southern Syria initial reports indicate that some 50,000 people have moved into the Damascus and Deraa areas out of which only 8,000 are UNRWA-registered refugees. Of these 8,000 approximately 6,000 are in the Damascus area and 2,000 near Deraa. Pending a survey now being made, a highly provisional figure of 100,000 having moved

eastwards from the West Bank of the Jordan Valley is being used for working purposes. Of those, possibly 80,000 are already UNRWA-registered refugees. The evacuation is by no means uniform. In Jericho UNRWA camps are almost empty, and perhaps 45,000 have fled. The city of Jericho itself also seemed to me virtually empty. But in the Nablus and Hebron areas little movement had occurred and much was normal. From Amman it is reported that some few thousands of persons have arrived there from Hebron and the area of Tulkarm and Qualquilya. In the Nablus area there had also been an influx of the inhabitants of Tulkarm and Qualquilya, but I was told that they had started to return. As of 13 June, it was estimated that 10,000 persons from those areas were still in and around Nablus. Many have left Jerusalem, although I saw evidence of some returning there, and there are doubtless many from Jerusalem and areas like Jericho who are in the surrounding countryside and have not left the West Bank. My reports indicate that movement across to the East Bank had virtually ceased by the middle of last week, and I received assurance from Ambassador Comay that his Government's policy was not to expel Arab inhabitants of the occupied areas.

"(e) UNRWA's problems in these areas

"6. I am encouraged by the rapid recovery of UNRWA's organization and capacity to provide services in these areas, except for Southern Syria, into which our staff have not yet been able to move. Our immediate problems are dispersal of locally recruited staff, restrictions on freedom of movement, heavy loss of vehicles from hostilities, looting and requisitioning, some loss - although surprisingly light in total - from stocks and stores, difficulties of communication both within the fields and with headquarters in Beirut. My impression was that restrictions on freedom of movement and communications generally were attributable to genuine security difficulties or damage to facilities and were not being artificially imposed on the Agency. The authorities promised full co-operation in removing these difficulties and have in fact loaned us vehicles and fuel on the West Bank. With additional vehicles being donated to the Agency and taken over from UNEF, these particular problems should soon be surmounted. Supplies and food for

UNRWA-registered refugees are generally good for one month. I have authorized distribution of some supplies to other Arab civilians on an emergency basis and subject to later replacement. Any indefinite increase of UNRWA's beneficiaries would require additional financial support and a change in the Agency's mandate. I have no immediate concern over the ability of our health services to cope with casualties and others requiring medical care, given the existing co-operation of the authorities. My main concern is that the Agency should continue to move supplies of food, etc. into these areas, and I see no alternative but to use the port of Ashdod, North of Gaza, from which the Agency could supply both Gaza and the West Bank. I would hope to receive the co-operation of all Governments in having this supply route, which appears to be the best available. It will have to be brought into use immediately if food is still to be provided beyond mid-July.

"7. One further matter concerns me, although this is not the Agency's direct responsibility, and that is to see refugees given the possibility of communicating with their families. I understand the International Red Cross is tackling this problem.

"B. AREAS IN WHICH NO MAJOR HOSTILITIES OCCURRED

"(a) Jordan

"8. The major problem is to cope with the 100,000 or more newly displaced persons, of whom perhaps 80,000 are UNRWA-registered. Some have fled from the Karamen camp on the East Bank to Amman and are being persuaded to return to the West Bank. I have made the Agency's position clear, namely that we can best cope with the refugees' needs if they return to their previous camps and installations. Co-operation with the Jordanian Government is good, and the Agency has loaned 1,000 tons of flour as well as vehicles and is giving assistance in setting up emergency camps and conducting joint surveys of the number and locations of displaced persons. The results of this survey are expected to be available in two or three days. Facilities for first reception, blankets, cooking utensils, and emergency shelter are badly needed. Medical supplies and services seem to be adequate and the Agency's food stocks are sufficient for its own registered refugees for three months. Since the

rations contain little protein there is a need for additional foods rich in protein such as milk and canned meat for those displaced refugees who have lost their capacity to supplement their rations with food-stuffs purchased with their earnings. This need is probably also present among many of the non-refugee displaced persons both in East Jordan and Syria and among the population of Gaza, both refugee and local resident.

"(b) Syria

"9. Except for the South Western area, the Agency's normal services are operating effectively and in addition the Agency has made a blanket distribution and established additional medical services.

"(c) Lebanon

"10. The Agency's normal services are operating effectively.

"(d) UNRWA's problems in these areas

"11. The Agency has adequate personnel available. Communications are generally good, although movement of personnel and vehicles through Syria is restricted. Our supplies can be maintained, although we may face difficulty in supplying the East Bank of the Jordan. If the Suez Canal is closed, most supplies may not be able to reach Aqaba. The Agency would then have to rely on transport through Syria. The Agency's overriding difficulty will be shortage of money. Its additional expenses cannot yet be assessed but they will be considerable. It is assuming heavy additional burdens when it is already operating on a budgetary deficit. The Agency is working in close liaison with Governments, the United Nations Children's Fund, the International Committee of the Red Cross, the League of Red Cross Societies and other non-governmental bodies and voluntary organizations.

"12. The Agency's longer-term problems I propose to postpone for subsequent report, but these I do not underestimate.

"13. In general and longer term, present circumstances clearly carry a grave threat of increased hardship for the population of Gaza and the East Bank of the Jordan. In the latter area the loss of the tourist trade, of remittances from abroad and of much of agricultural and home industrial production is bound to reverse hopeful trend towards economic independence, bringing in its train unemployment and increased pressure on available resources."



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NOTE BY THE SECRETARY-GENERAL SUBMITTING A SECOND REPORT
OF THE COMMISSIONER-GENERAL OF THE UNITED NATIONS RELIEF
AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

The Secretary-General submits to the Members of the General Assembly and of the Security Council the following second report on the humanitarian aspects of the situation in the Middle East presented to him by the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA):

"1. The purpose of this report is to supplement and bring up-to-date my earlier report dated 18 June 1967. 1/ My information is now more comprehensive and, in addition to regular reports coming from Agency staff in the various fields of operation, I have myself visited Amman on 28 June; the Deputy Commissioner-General and the Director of Health have very recently visited all the fields and the Director of Administration and Relief has completed a special mission to the United Arab Republic.

* Also issued under the symbol A/6723/Add.1

1/ Circulated on 20 June 1967 (A/6723 and S/8001).

"A. AREAS IN WHICH MAJOR HOSTILITIES OCCURRED

"(a) Gaza

"2. The Agency has virtually resumed its full services, including food distribution, supplementary feeding programme, health services and sanitation arrangements in the camps. The number of persons in need, and to whom the Agency is providing emergency rations, is considerably in excess of those previously registered with UNRWA. This is because many people have lost their employment or sources of income (including remittances from abroad) and have thus ceased to be self-supporting.

"3. There was a good deal of damage to property in the course of the fighting and afterwards some shelter has been demolished, mainly at Jabaliya and Rafah, as reprisals for mining incidents. The Agency has already issued instructions to begin rebuilding. Medical services for the wounded appear to be satisfactory, but burial arrangements are not entirely satisfactory and could pose a health hazard. Looting has not entirely ceased and some considerable losses have occurred to stores of the United Nations Emergency Force (UNEF) at Rafah, which were to be made available to UNRWA, if needed. There is also a need for additional civilian police, particularly in the middle camps. All these matters have been taken up with the authorities and remedial action has been taken or is promised.

"(b) West Bank of the Jordan

"4. The situation generally appears to have improved and electricity and water supplies and sanitation services have been restored to the Old City of Jerusalem. Telephone communications are still disrupted. The Agency's normal pattern of services and distribution of foodstuffs and supplies has been fairly well restored, but the large-scale movement of refugees, both within and beyond the West Bank areas, to which I refer below, have inevitably produced certain dislocations of our operations.

"5. The situation of the hospitals has caused some concern owing to a shortage of medical supplies and food.

"6. The Agency's shortage of transport, which was critical, has been considerably alleviated by a temporary loan of vehicles from the Government of Israel and, more recently, by the acquisition of a number of vehicles previously used by UNEF.

"(c) Southern Syria

"7. No Agency staff have been able to enter this area. It is believed that few inhabitants remain there.

"(d) Movement of civilian population

"8. In Syria the total movement may be of the order of 80,000. Of these, approximately 16,800 are Palestinians, of whom 11,200 are in the Damascus area and 4,600 in the Deraa area.

"9. The best estimate is that at least 150,000 persons have now left the West Bank of the Jordan; of these, 80,000 to 100,000 may be former UNRWA-registered refugees. It is evident that, whilst movement appeared to have virtually ceased about the middle of June, a 'second wave' began about 20 June, and in the last ten days perhaps 30,000 have crossed the Jordan. In the Jericho area, with a total of 73,000 before the hostilities began, only about 7,500 remain.

"10. There is also still some movement in the West Bank area. On 22 June, I received reports of some 12,000 inhabitants of Qualquilya having moved to the Nablus area. By 26 June, I had learnt that the Israel authorities were prepared to permit their return and this return has now taken place, but some 40 per cent of their homes were either damaged in the fighting or subsequently demolished, apparently because the Qualquilya area was the site of gun emplacements from which the outskirts of Tel Aviv and other targets in Israel were shelled by Jordanian artillery. The Mayor's estimate of the cost of reconstruction was \$1.4 million. Numbers of people also moved from three border villages in the Latrun area into Ramallah. These villages are still under military restriction and the inhabitants have not yet been allowed to return. The extent of damage to their dwellings is not known. In three other border villages in the Hebron area the inhabitants also moved and have not yet been allowed to return. Many of their dwellings are said to have been destroyed.

"(e) The Agency's problems in these areas

"11. The Agency now has increasing freedom of movement within these areas, although local staff are still subject to some restrictions. The losses of vehicles are now being made up by re-deployment from other fields and by taking over UNEF vehicles. Greater communication between headquarters in Beirut and these areas is now possible by courier-cars and may soon be improved by the use of a small aircraft to be made available by the generosity of the Canadian Government.

"12. The Agency's main concern is over food supplies. The disruption of shipping caused by the closure of the Suez Canal has meant that ships have off-loaded Agency flour shipments in places like Casablanca and Piraeus. New arrangements have had to be made for re-shipment, but the consequent delay in arrival has caused me great concern. The supply situation on the West Bank is critical, and is likely to remain so until mid-July, but the problem has been temporarily alleviated by a loan of flour from the Israel authorities. Satisfactory arrangements for receiving new supplies through the port of Ashdod have now been made with the Government of Israel so that, from mid-July onwards, these present difficulties should be overcome. In Gaza the situation is only slightly better and the Agency hopes to be able to transfer considerable quantities of supplies, now immobilized in Port Said, to Gaza. The Government of the United Arab Republic has already given its agreement to this transfer.

"13. The inhabitants remaining in these areas could well face a deteriorating economic plight in so far as employment and income have been lost to them. Their plight has been accentuated by the shortage of currency. Thus, the demand upon the Agency's services may increase. There will also be longer-term needs for reconstruction of the housing which has been damaged - for which tents can be no more than a temporary substitute - and for other Agency premises such as the extensively damaged building at Mount Scopus and also schools and clinics elsewhere.

"B. AREAS IN WHICH NO MAJOR HOSTILITIES OCCURRED

"(a) Jordan

"14. Co-operation with the Government in dealing with the influx of displaced persons has now reached a fairly advanced stage. In liaison with a Ministerial Co-ordination Committee, a plan to set up some eleven tented camps has emerged, of which UNRWA will organize and operate six. The camps will take from 5,000 to 10,000 persons each, and movement from the temporary shelter in schools and other buildings into the new camps has already started. The sanitary conditions will be improved with the removal to the new tented camps. Meanwhile, UNRWA has greatly expanded its provision meals while the people are still accommodated in schools and other public buildings. Once they move into the tented camps, the cooked meals will be replaced by the issue of dry rations which the refugees will cook themselves. However, UNRWA will continue the hot-meal programme in supplementary feeding centres for children up to the age of fifteen and will also supplement the basic rations to all recipients by an additional protein issue (probably canned meat and milk powder).

"15. The Agency's main immediate needs are for tents, blankets, cooking utensils, milk powder and animal protein. The Agency's supply position on basic commodities is good.

"(b) Syria

"16. Except for the area under occupation, the Agency's normal services are in operation. The Agency has agreed, following discussions with the Syrian authorities, to exceed the established ration ceiling by 2,400. It has distributed 5,000 blankets and established an expanded supplementary feeding programme for children up to the age of fifteen. However, for the majority of the 'new' refugees, not hitherto registered with UNRWA, the Government is assuming sole responsibility. This contrasts with the situation in Jordan where responsibility is more shared.

"17. For the Agency's own programme, immediate needs are for tents, blankets, clothing and 'household kits'.

"(c) Lebanon

"18. The Agency's normal services are operating effectively.

"(d) United Arab Republic

"19. Following a request from the Minister for Foreign Affairs, an Agency mission visited the United Arab Republic on 29 June. There appear to be some 6,000 newly displaced persons who are now in camps in Tahrir province, of whom perhaps a half are said to have been expelled from Gaza since the end of hostilities. However, an exact census has yet to be taken. The camps are in fact villages which were previously unoccupied, having been built for new settlers, and the general conditions which the governmental authorities have established there are good. The camps are well-organized and the people are given either food or money with which food can be purchased nearby. The Agency presently has under study the question of the methods by which it could best assist the Government of the United Arab Republic in the care of these persons.

"(e) The Agency's problems in these areas

"20. The Agency's immediate problems remain those of securing 'emergency' supplies such as tents, blankets, clothing and cooking utensils. The supplies of basic commodities such as flour, rice, sugar, cooking oil and fats are adequate although for Jordan the supply position may deteriorate if, because of the closure of the Suez Canal, the Port of Aqaba is less used by shipping. Of course, the new feeding programmes and protein supplements will require much additional food; some offers of food to meet these needs have been received, and other supplies will have to be purchased and imported.

"21. The calculations of precise quantities of 'emergency' supplies needed must necessarily remain provisional. It has not so far been possible to obtain accurate numbers of persons in need, or even to ascertain precisely what stocks of supplies are available to Governments, but certainly in Jordan the establishment of the eleven new tented camps will allow greater accuracy of assessment.

"22. The Agency hopes soon to be in a position to give some account of the estimated cost to the Agency of the emergency operations which it has undertaken since the beginning of hostilities.

"C. CO-OPERATION BETWEEN THE AGENCY AND OTHER ORGANIZATIONS,
INTER-GOVERNMENTAL AND NON-GOVERNMENTAL

"23. The Agency has already begun co-ordination of its own programmes of assistance with those planned by the United Nations Children's Fund (UNICEF) and a joint mission of the Food and Agriculture Organization of the United Nations and the World Food Programme, and detailed discussions between representatives of the Agency and of these organizations have already taken place. In outline, it is expected that these organizations will provide assistance to persons not previously registered with UNRWA, and some part of the increased quantities of food for the supplementary feeding programmes which the Agency is maintaining in addition to its normal food programmes. Assistance by UNICEF will be related to the numbers of mothers and children.

"24. The Agency has also been in consultation with the International Committee of the Red Cross, the League of Red Cross Societies, National Refugee Councils, Caritas, the Oxford Committee for Famine Relief and many others and has established at its own headquarters in Beirut a centre for co-ordination.

"D. PROSPECTS FOR THE RETURN OF REFUGEES UNDER SECURITY COUNCIL
RESOLUTION 237 (1967) OF 14 JUNE 1967

"25. The Commissioner-General and his Deputy have on two occasions discussed with the Government of Israel the question of allowing the displaced persons to return and have emphasized that the Agency can best serve the needs of the refugees in their established camps in Gaza and on the West Bank of the Jordan. Moreover, conditions in the purely temporary accommodations on

the East Bank were such that a potential health hazard existed, and this could be avoided by a speedy return to their former habitations.

"26. Following consultation with the Secretary-General, and having heard the announcement of the Government of Israel on 2 July that the return of refugees to the West Bank, under conditions to be specified, would be permitted until 10 August, the Commissioner-General has issued an appeal that further flight should stop and that those who had already fled should return. The Agency has announced its readiness to do all in its power to assist.

"27. The return of substantial numbers to the West Bank will necessitate a re-assessment of the need for emergency tented camps on the East Bank and of needs generally. The Agency therefore has to retain the utmost flexibility in all its planning. It will enter into consultation with all the parties affected by this announcement so as to facilitate the return in the most humanitarian and orderly way possible."



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REPORT BY THE SECRETARY-GENERAL UNDER GENERAL ASSEMBLY
RESOLUTION 2252 (ES-V) AND SECURITY COUNCIL RESOLUTION
237 (1967)

1. At its 1548th plenary meeting, on 4 July 1967, the General Assembly adopted resolution 2252 (ES-V) on humanitarian assistance with a view to alleviating "the suffering inflicted on civilians and on prisoners of war as a result of the recent hostilities in the Middle East". In paragraph 10 of that resolution, the Assembly requested the Secretary-General, in consultation with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), to report urgently to the General Assembly on the needs arising under paragraphs 5 and 6 of the resolution. In these paragraphs the Assembly endorsed the efforts of the Commissioner-General of UNRWA to provide assistance on an emergency basis and as a temporary measure to persons other than UNRWA refugees who are at present displaced and in serious need, and welcomed the close co-operation of UNRWA and other organizations concerned for the purpose of co-ordinating assistance.
2. In its resolution 237 (1967) of 14 June 1967 relating to the alleviation of the sufferings of civil populations and prisoners of war in the area of conflict, the Security Council requested the Secretary-General to follow the effective implementation of the resolution and to report to the Security Council. With that end in view, the Secretary-General sent Mr. Nils-Göran Gussing to the Middle East in early July to obtain on the spot the information required for the effective discharge by the Secretary-General of his responsibilities under paragraph 3 of Security Council resolution 237 (1967).^{1/}

* Also issued under the symbol A/6787.

^{1/} See S/8021.

3. The present report is based upon information received from the Commissioner-General of UNRWA and from interim reports received from Mr. Gussing. The Secretary-General felt that it might be useful for Members to have at this stage some additional information on the humanitarian aspects of the situation in the Middle East.

Categories

4. The categories of persons to whom General Assembly resolution 2252 (ES-V) refers are, first, the refugees who lost their homes in the conflict of 1948 and who were registered as eligible for UNRWA assistance before the recent hostilities began and, second, the newly displaced persons.

5. The second category includes a large number of the refugees who were displaced from their homes in the 1948 conflict and who have now been uprooted for a second time. It also includes a large number of persons who were not previously registered with UNRWA for the reason that they had not lost their homes and livelihood in the conflict of 1948. Finally, it includes an intermediate group of persons who became refugees in 1948, in the sense that they lost their homes and all or part of their property, but who were never registered with UNRWA because they were able to fend for themselves.

6. The greater part of the newly displaced persons are those who moved from the west bank of the Jordan to east Jordan during and after the recent hostilities, virtually all of whom were of Palestinian origin. But more than 100,000 people, including some 17,000 Palestinian refugees registered with UNRWA, moved from the now occupied part of Syria into non-occupied areas. Moreover, within the west bank area some displacement of people occurred, particularly from the border villages, although most of these people have remained on the west bank. However, in all these cases the people were still to be found within the existing area of the Agency's operations. A different case is that of the people who are now within the territory of the United Arab Republic, which was not previously a territory within which the Agency operated relief services. The majority of these people have moved from Sinai, but there are also some 3,000 registered refugees from Gaza. UNRWA has regarded this group as falling under paragraph 6 of the resolution, and, by arrangement with the Government of the United Arab Republic, the Agency has agreed to assist with food supplies for this particular group.

Needs

7. In practice, UNRWA has not been required to cater for the needs of all persons potentially falling under its mandate by virtue of paragraphs 5 and 6 of General Assembly resolution 2252 (ES-V). The Governments concerned, other United Nations agencies and a number of non-governmental organizations have borne a large part of the burden. In any case, the Agency's ability to cope with the newly displaced persons was clearly subject to practical limitations and this was recognized specifically by the terms of paragraph 6 of the resolution.

8. The needs of the persons referred to in paragraphs 5 and 6 of the resolution are of three different kinds: first, there is the temporary, presumably short-term, need for emergency relief to enable them to survive in the conditions immediately arising from the recent hostilities; second, there is the continuing need of the registered refugees for the services which UNRWA has provided for the past seventeen years - a need which may extend also to other displaced persons if the present state of affairs is prolonged; and third, there is a potential long-term need for an expanded programme of rehabilitation for those persons, both registered refugees and newly displaced, whose capacity to support themselves has been adversely affected by the outcome of the recent hostilities. It will be appreciated that, at the present time, it is not possible to define the temporal extent of the first of these three needs. That depends, to a large degree, on whether the newly displaced persons in Jordan, Syria and the United Arab Republic will be able to return to their former places of residence and will wish to do so. So far, the arrangements for return, now under discussion, relate only to the west bank of the Jordan. Under the auspices of the Red Cross, agreement was reached on 6 August between Israel and Jordan on the repatriation of refugees to the west bank, and the date fixed for the return of refugees to the west bank has been extended to 31 August. The most recent information is that some 32,000 families, totalling an estimated 160,000 persons, had submitted applications to return to the west bank as of 16 August and that facilities for receiving applications were being kept open. It was hoped that movement back to the west bank might start on 18 August. UNRWA has prepared a transit camp on the east bank to facilitate this movement. The scope and duration of the third, longer-term, need will be materially affected by the number of persons who return to their former places of residence and the

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decisions which may be reached regarding the status of areas now occupied by Israel.

9. This report has been prepared in the context of existing circumstances in order to indicate what the additional needs may be, if and for as long as these circumstances continue. This does not, of course, imply any judgement on the political issues involved.

Emergency measures

10. By the beginning of August 1967, two months after the hostilities in the Middle East had begun, the immediate minimal needs of the persons displaced during and after the hostilities for food, shelter and health services were being met, but the arrangements were still precarious and needed strengthening and regularizing. Co-ordination of efforts to meet these needs was steadily improving and wasteful duplication seems to have been avoided.

11. The number of refugees registered with UNRWA who had moved, during or after the conflict, was estimated at 113,000 of whom the largest number - about 93,000 - had moved from the west bank of the Jordan River to the east bank. Another 17,000 had moved from the southwestern corner of Syria to the areas of Damascus and Deraa, and some 3,000 former residents of the Gaza Strip were in the United Arab Republic.

12. Persons not previously registered with UNRWA moved in even larger numbers - some 210,000. The number of persons who had moved from the western to the eastern side of the Jordan was believed to be about 85,000, from the southern part of Syria to Damascus and Deraa about 90,000, and from Sinai westward across the Suez Canal a further 35,000.

13. Many Governments and organizations have sent food, medical supplies, tents, blankets and other help. Some of this assistance has taken the form of bilateral aid, some has been channelled through UNRWA and the Red Cross and Red Crescent organizations, and some has been distributed by voluntary agencies. Major assistance in feeding persons not previously registered with UNRWA has been authorized by the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme, and UNICEF has been helping with food and support for health activities. Both these programmes are understood to be of limited duration, for a period of between three and six months.

14. Special additional help has taken various forms. Food was distributed by UNRWA to its regular beneficiaries, including those who were displaced in Jordan and Syria. The number of rations issued was temporarily increased by 100,000 in the Gaza Strip, Syria, the west bank and east Jordan. In addition, UNRWA distributed government supplies to non-UNRWA displaced persons in east Jordan, in anticipation of the supplies to be provided by FAO and the World Food Programme, and the Government of Syria provided food to displaced Syrians.

In the United Arab Republic, assistance was given by the Government, and help was also provided by UNRWA, FAO and the World Food Programme, and UNICEF.

15. Hot meals and milk were provided by UNRWA to some 50,000 additional persons, and food-stuffs were provided by UNRWA on an emergency basis to hospitals and institutions. For the displaced, canned meat and CSM (corn-soya mixture) was added to the monthly ration.

16. Temporary shelter has been provided to 65,000 persons in eight tented camps in Jordan, by the combined efforts of UNRWA, the Government and other organizations, and tents have been made available for some of the displaced persons in Syria. In the camps the water supplies were improved and protected, and latrines were constructed.

17. If the return of the displaced persons in east Jordan and Syria to their former dwellings is delayed, a large and costly need will arise to replace with more durable shelter many of the tents already erected, since these are small and light and will not provide adequate protection during the severe winter weather in these areas. The total cost might exceed \$1 million.

18. Health services continued to operate throughout the emergency and were quickly re-established on a normal basis. Medical facilities were made available to additional groups in need, with the help of UNICEF and other organizations. Inoculation campaigns were instituted. Clothing, blankets and family kits of basic household utensils were issued.

19. The additional services being provided by UNRWA have increased its expenditures at the rate of several million dollars a year. It should be noted also that UNRWA had been facing a deficit for 1967 of about \$4 million before the hostilities, which would have forced a reduction in services unless additional income were received. These services are now more necessary than ever, and must be maintained.

20. There still remains the large task of repairing and reconstructing damaged buildings and of replenishing equipment and supplies that have been lost. The cost to UNRWA of this repair and replacement is still being studied, but it is expected to total nearly \$1 million. This additional burden has been superimposed on a budget which already, for the fourth year in succession, showed a massive deficit. Solution of the longer-term problem of putting the regular financing of the Agency on a sounder footing remains an urgent necessity.

Continuing services

21. The Agency's administrative framework - staff, transport, supplies and installations - emerged from the period of hostilities in better condition than might have been expected, and within a short time food and health services were again being provided to registered refugees in all areas. These services are now operating more or less normally. It is still too early to estimate the increase in these services that will be needed or the additional financial provision that UNRWA will be required to make. Much of the emergency help provided by Governments, international organizations like FAO and the World Food Programme, UNICEF and the Red Cross, and other agencies may not extend beyond the first few months, and it is probable that UNRWA will be required to face the continuing needs; the financial burden could amount to about \$10 million annually.

22. In the next few weeks, a major effort will be required to reopen the schools and training facilities. This will impose a heavy burden both on the Governments concerned and on UNRWA.

23. In Lebanon, no special problems are foreseen in this connexion.

24. In Syria, the UNRWA schools in the Damascus area are still occupied by displaced persons and must be cleared in time for the next school year. This will depend on either the return of the displaced persons to their former homes in the south of Syria or the provision of other temporary accommodation, presumably in tented camps. The training centre at Homs is also occupied by Syrian refugees from the south. The vocational training centre near Damascus has already been reopened and all but one of the previous trainees are back at work there.

25. In east Jordan, the schools previously occupied by displaced persons have now been cleared and should be ready for use when the new school year begins. Three of the Agency's training centres (the Kalandia vocational training centre, the men's teacher training centre at Ramallah and the women's combined teacher and vocational training centre, also at Ramallah) are situated on the west bank. They formerly served the whole refugee population in Jordan - indeed, the Ramallah women's centre also admitted a number of trainees from the other three host countries - but, in present circumstances, it seems unlikely that they will be able to admit trainees from east Jordan. UNRWA accordingly would like to open two temporary training centres in east Jordan, one to serve as a men's teacher training centre and the other as a combined teacher and vocational training centre for women. The existing vocational training centre for boys at Wadi Seer (near Amman) will also be available to serve the needs of the registered refugees in east Jordan.

26. On the west bank, discussions are under way between the Government of Israel and UNRWA with a view to resuming the operation of UNRWA schools and training centres. In Gaza, the vocational training centre has already been reopened and the schools will reopen in September. Plans for the expansion of the Gaza vocational training centre were worked out with the United Arab Republic authorities before the recent hostilities and the Agency hopes to be able to go ahead with these plans with a view to increasing the capacity of the centre from 368 to 568. The training centres on the west bank and in Gaza emerged unscathed from the hostilities.

27. Much work will have to be done in repairing and rebuilding school premises and in replacing furniture and equipment which was destroyed or lost during and after the hostilities in Gaza and on the west bank. Until this work is completed, there will inevitably be an increase in the double shift system of classes in the schools affected. Considerable numbers of locally recruited Agency teachers have been displaced from both the west bank and Gaza and, unless they are allowed to return, UNRWA will face a serious shortage of trained teaching staff.

28. For the newly displaced persons in Jordan and Syria some temporary provision of schools will be necessary pending their return to their former dwellings.

In east Jordan about 250 marquees are available for this purpose and furniture and equipment are being prepared. Whether this will suffice depends on how many of these persons will be able and willing to return to west Jordan; but, in the prevailing uncertainty, it seems to UNRWA that this represents a reasonable provision for emergency schooling.

29. In Syria arrangements are being made to move into tents the UNRWA refugees now accommodated in school buildings. But the intentions of the Government in regard to the much larger number of Syrian refugees now living in schools are not yet known.

Longer-term rehabilitation

30. The recent hostilities have had the effect of separating the west bank of the Jordan from the rest of Jordan, the Old City of Jerusalem from the remainder of the west bank, the Gaza Strip from the United Arab Republic (to which Gaza had been linked economically as well as politically for the past nineteen years) and the Quneitra area in the south of Syria from the rest of that country. The economic effect of these separations on the population - both refugee and non-refugee - of the areas in question must be far-reaching, even if not as yet precisely definable. There are at present too many uncertainties and imponderables for anyone to venture an answer to the question of how a continuation of the present state of affairs may affect the capacity of the inhabitants of the areas concerned to support themselves and, hence, may affect their need for help in rehabilitating themselves. However, some preliminary comment may be helpful with a view to indicating the nature and dimensions of the problem in the area, namely east Jordan, where the economic impact of recent events has been most severe.

31. In discussing the effect which the separation of the west bank from east Jordan may have on the prospects of rehabilitation for the refugee community in east Jordan, it seems necessary first of all to correct the misconception that prevails in many quarters outside the Middle East that for the past nineteen years the Palestine refugees have been "rotting in idleness" in the camps established by UNRWA. In truth, one fifth of the refugees from the 1948 conflict re-established themselves in the Arab world by their own efforts and have never been a charge on UNRWA. The remainder were, for the most part, poorer people of farming stock and it was their misfortune that the countries where they found refuge already had a

surplus of locally born peasant farmers and already faced grave problems in ensuring a livelihood for their own citizens. Even so, many of these poorer refugees found homes for themselves in the towns and villages of the host countries and the number of refugees living in the UNRWA camps has never exceeded 40 per cent of the total refugee population. Moreover, it is quite misleading to assume that because the camps remained and, in fact, grew in size and because the refugees continued to live in them, no progress was being made towards the economic rehabilitation of the camp inhabitants. This misconception seems to derive from experience in dealing with the refugees in Europe, where great emphasis was placed on clearing the camps as evidence of rehabilitation. Such ideas were not applicable to the problem of the Palestine refugees since, unless they were allowed to return to their former homes, there was nowhere else for the refugees living in the UNRWA camps to go. In the circumstances existing and in the absence of a political solution, the best they could hope for in this respect was a gradual improvement of the living conditions in the camps, and this is in fact what has been taking place - sometimes to a marked degree, particularly where the camps were located in areas in which good opportunities for employment existed. Some of the refugee camps, indeed, had developed into thriving communities, even though they were still at a fairly low social and economic level and still contained many families living on the edge of subsistence.

32. For the first few years after 1948 there was no doubt some truth in the idea that the refugees living in the UNRWA camps were stagnating in enforced idleness. But for many years past, any generalization of this kind has not corresponded to the facts. Although on the political plane the problem of the Palestine refugees has, regrettably, remained hopelessly deadlocked, on the social and economic plane much solid and undeniable progress has been made in improving their condition. This progress has been primarily due to three factors: first and foremost, the rapid economic development of the Arab host countries and of the Arab world generally in recent years; second, the energy, intelligence and adaptability of the refugees themselves, who have fortunately shown themselves to be eager for work and very capable of profiting by any opportunity given to them; and third, the education and training which the host Governments, various voluntary agencies and UNRWA have been able to give the young refugees to enable them to take advantage of any opportunities of employment that might come their way. A subsidiary but not

unimportant adjunct to these principal factors in the rehabilitation of the refugees has been the economic aid supplied by UNRWA in the form of rations, shelter and other relief services. The regular provision of this relief assistance over an extended period, even though on a meagre scale, has certainly helped the refugees not merely to survive but to recover their capacity to support themselves.

33. It is true that it has not proved possible for UNRWA to reflect adequately the extent of this rehabilitation in its published statistics of the number of refugees who have been rendered self-supporting and from whom relief assistance has therefore been withdrawn. But, however regrettable this may be - and, in fairness to UNRWA and the Arab host Governments, the difficulty of measuring degrees of progress in economic rehabilitation among a mass of people living not much above subsistence level needs to be recognized - it does not alter the reality of the progress that had been made.

34. In Jordan, official and authoritative statements have been made in recent years indicating not only a very high level of economic growth for the country as a whole but also suggesting that the problem of unemployment and underemployment which has chronically beset the Jordanian economy was within sight of solution. These statements implied that within a few years Jordan, in spite of its not having been endowed with abundant natural resources, might look forward to becoming economically viable and independent of external aid. This could only mean that, in common with the other citizens of Jordan, the 720,000 refugees, representing over half of the whole population, were rapidly achieving the capacity to support themselves and, hence, that the social and economic aspects of the refugee problem in Jordan, though not the political, were well on the way, if not to a solution, at least to a partial remedy.

35. This hopeful trend towards the social and economic rehabilitation of the refugees has, for the time being at least, been not merely arrested but actually reversed by the economic consequences of the recent hostilities. The capacity of the whole population in east Jordan to support themselves can only be adversely and gravely affected by the state of affairs resulting from the war. Those affected will be not only the newly displaced persons from the west bank but also many of those persons, both refugee and non-refugee, who were living on the east bank before the hostilities began and whose livelihood depended either directly or indirectly on economic activity located on or associated with the west bank. It seems probable

that the refugees, both those newly displaced and those formerly residing in east Jordan, will feel most severely the impact of the disruption of the Jordanian economy, since their economic base is in general more precarious than that of the permanent residents of east Jordan.

36. Remedial action, if it becomes necessary, to promote the rehabilitation of those affected will have to be on a massive scale and, even so, the task of providing a decent livelihood for a population of some 1,250,000 in east Jordan, where so much of the land is desert and unproductive, is likely to prove extremely difficult. The main element in a programme of remedial action would have to be labour-intensive capital projects and the development of agricultural and water resources. An expansion of education and training in order to put to productive use the surplus of human resources which has accumulated in east Jordan would be a second important element.

37. The role which UNRWA in particular might play would lie in expanding and improving its education programme and training facilities for the refugees in east Jordan. A recent survey (carried out before the hostilities) indicated that, throughout the whole area of its operations, UNRWA could put to very beneficial use about \$10.5 million of capital and about \$7 million of recurrent expenditure in improving its educational programme (over and above the \$16.5 million which it is currently spending on its existing educational services), with particular emphasis on equipping as many as possible of the young refugees for productive employment. About one third of this expenditure would be required in east Jordan.

38. So many uncertainties overhang the future of the people living on the west bank that it is impossible at this stage to express even in general terms how their capacity to support themselves, and hence, how their need for help towards that end may have been affected by recent events. But it is possible that a large programme of economic development may be necessary there also.

39. In Gaza, a problem which was basically insoluble in the conditions existing before the recent hostilities may have been rendered even more intractable by recent events. But again many uncertainties overhang the future of the people living there and render prediction futile at this stage. In this context, it should perhaps be mentioned that there are reports of some organized visits in six fifty-seater buses of refugees from Gaza to the west bank, for which the Israel

authorities accept applications. There are further unconfirmed reports that some of the refugees on these visits do not return from the west bank to Gaza, and that some in fact even reach the east bank. Even before the recent hostilities it was clear that, if there was ever to be a solution of the problem of the refugees in Gaza, some political decision about their future would be required, and they would need generous help in re-establishing themselves.

40. It is by no means clear whether the longer-term tasks of rehabilitation will fall directly on the United Nations, especially UNRWA, on the specialized agencies, on the Governments directly concerned, or on voluntary agencies. There is, however, an obvious need for a restatement of the essential nature of these longer-term measures and for an examination of how these tasks can be undertaken.

Activities of the Special Representative of the Secretary-General

41. Mr. Nils-Göran Gussing, Special Representative of the Secretary-General, has now visited all of the countries with which he is concerned and has taken up a number of problems with the appropriate authorities. In Israel the Special Representative held consultations with the Minister for Foreign Affairs, the Minister of Defence, the Chief of Staff of the Armed Forces and the Deputy Director of the Ministry for Foreign Affairs. On his first visit to Israel, he visited the Old City of Jerusalem, Nablus and the prisoner-of-war camp of Atlit. He also examined with the Israel Government the problem of the return of the refugees from the east bank of the Jordan River to the west bank. Mr. Gussing has made a second visit to Israel and visits in detail to the areas under Israel occupation.

42. On his visit to Syria, Mr. Gussing's programme included consultations with the Prime Minister, the Minister and Secretary-General of the Interior, the Secretary-General of Foreign Affairs and representatives of the United Nations Development Programme, the Israel-Syrian Mixed Armistice Commission, the International Committee of the Red Cross, UNRWA and the Syrian Red Crescent. He also visited temporary accommodations for refugees in Damascus, whose numbers are estimated at between 105,000 and 110,000, including 16,000 UNRWA refugees. In addition, he has discussed various aspects of the refugee problem with the Syrian authorities.

43. In Jordan, the Special Representative held consultations with the Prime Minister, the Minister for Foreign Affairs and the Inter-ministerial Committee for Refugee

Affairs, as well as with representatives of the United Nations Development Programme, the International Committee of the Red Cross, the League of Red Cross Societies, the Red Crescent and UNRWA. He visited refugee camps in different parts of the country, including new camps set up by UNRWA and an old UNRWA camp which has been extended to hold new refugees. He discussed with the Jordan Government, among other matters, the question of the return of refugees to the west bank and the modalities of that return.

44. Prior to his visit to Egypt from 26 to 29 July 1967, Mr. Gussing met with the representative of the International Committee of the Red Cross in Cyprus. In Egypt, he held consultations with the Under-Secretaries of State for Foreign Affairs and the representatives of the United Nations Development Programme and the International Committee of the Red Cross. He visited refugee camps and also eight of the ten Israel prisoners of war held in Egypt.

45. Mr. Gussing's first round of visits to the countries principally concerned has provided an opportunity for the Governments to express their views and list their complaints and for him to receive requests to visit particular localities and areas. He has also given consideration, during his consultations with the Governments in the area, to the question of the status and well-being of minority groups in the various countries concerned. Mr. Gussing plans to complete a second and comprehensive round of visits by the end of August, at which time he expects to be in a position to prepare his final report to the Secretary-General, with a view to submitting it by mid-September.



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Corrigendum

Paragraph 34, ninth line

For "whole population" read "whole refugee population".

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REPORT OF THE SECRETARY-GENERAL UNDER GENERAL ASSEMBLY
 RESOLUTION 2254 (ES-V) RELATING TO JERUSALEM

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INTRODUCTION

1. In its resolution 2254 (ES-V) adopted on 14 July 1967 relating to Jerusalem, the General Assembly requested the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the resolution. In a note dated 14 August 1967, which was circulated to the Security Council (S/8121 and Corr.1) and to the General Assembly (A/6785 and Corr.1), the Secretary-General announced that he had appointed Ambassador Ernesto A. Thalman of Switzerland as his Personal Representative in Jerusalem for the purpose of obtaining information on the situation as a basis for his report to the Security Council and the General Assembly.
2. The terms of reference for the mission which was entrusted to Ambassador Thalman were laid down in the Secretary-General's letter of 12 August 1967, as follows:

"I am glad to know that you are willing to undertake, and that your Government is prepared to make you available for, the special ad hoc assignment as my Personal Representative in Jerusalem for the purpose of obtaining information in order to facilitate my report to the Security Council and the General Assembly. The General Assembly, in paragraph 3 of its resolution 2254 (ES-V) of 14 July 1967 'requests the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the present resolution' ... That part of my report relating to the implementation of the resolution will consist of the written reply to my note about the resolution dated 15 July 1967... which the Government of Israel has promised to address to me. Your concern, therefore, will be exclusively with the gathering of information 'on the situation' in Jerusalem which I may, in turn, use in my report to the Council and the General Assembly.

"I would wish you to gather as much information as you reasonably can within a period of two weeks on the situation in Jerusalem, by which is meant specifically conditions relating to the assumption of control by Israel authorities over the entire city of Jerusalem. Thus, a major part of your attention would be directed to the situation in the Old City of Jerusalem, with specific reference to the status and treatment of Arab residents and their property and the situation of all of the Holy Places in Jerusalem.

"Your function, thus, is to obtain information only and involves no responsibility on your part for any negotiations or for the implementation of the General Assembly resolution.

"At my request, the Government of Israel has given assurance that it will co-operate with your mission and will give you all necessary facilities and information."

3. Ambassador Thalmann's mission constitutes the sole independent source of information of the Secretary-General for the report on the situation in Jerusalem requested of him by the General Assembly and, therefore, part one of this report is based upon the information gathered by Ambassador Thalmann during his visit to Jerusalem.
4. Part two of the report, dealing with the implementation of General Assembly resolution 2254 (ES-V), is based on the information supplied by the Government of Israel.

PART ONE. THE SITUATION IN JERUSALEM

I. MISSION OF THE PERSONAL REPRESENTATIVE

A. Delimitation of the inquiry

5. In accordance with the terms of reference, the **Personal** Representative restricted his inquiry to Jerusalem. For the purposes of the investigations, Jerusalem was understood to include both those parts of the city which were under Jordanian control before June 1967 and those under Israel control. It was also understood to include the former no man's land and the rural areas which Israel has included in the municipality of Jerusalem. For exclusively practical reasons, particularly brevity, and with no other connotations, the expressions "East Jerusalem" and "West Jerusalem" are used to designate the parts formerly under Jordanian and Israel control, respectively.
6. It would no doubt have been desirable to set current conditions in Jerusalem against their historical background. This was not possible, however, in the short time available.
7. During the Personal Representative's visit to Jerusalem, Arab personalities handed him a number of memoranda, petitions and statements, some of which went beyond the purely factual conditions and consequently beyond his terms of reference. It is nevertheless considered appropriate to reproduce some of these documents as annexes because, taken as a whole, they reflect an attitude which forms a part of the facts that are the subject of the investigations (see annex I).

8. The Israel authorities supplied a substantial amount of documentation, which could not be fully evaluated in this report. Some documents, which are helpful for an understanding of the factual conditions, are also annexed to the report (see annex II).
9. It should be noted that conditions in Jerusalem are in a state of rapid flux. Certain of the observations in this report may therefore have been partially overtaken by events.

B. Conditions under which the mission was carried out

10. The Personal Representative arrived at Tel Aviv on 21 August 1967 and proceeded the same day to Jerusalem. He was able to carry out his investigations in an orderly atmosphere and the Israel authorities offered him various material facilities such as transportation and technical arrangements.
11. The Personal Representative was free to move about and to meet the various personalities whom he wished to see and to talk with them privately when he desired to do so. He met a great number of Israel officials, Arab personalities and representatives of the various religious communities. The most important names are contained in the lists in annex III.
12. Ambassador Thalmann left Jerusalem on 3 September and arrived in New York on the evening of 4 September.

II. GEOGRAPHY AND EXTERNAL ASPECT OF THE CITY

A. Geography

13. As a result of the assumption of control by the Israel authorities over East Jerusalem, the municipal area of West Jerusalem was expanded by over 60 square kilometres to a total exceeding 100 square kilometres. A map prepared at the Personal Representative's request by the Israel municipal authorities and annexed to this report shows the claimed boundaries of the extended municipality and other lines relevant to an understanding of the present situation.

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B. Population

14. Since the occupation, a census was carried out in East Jerusalem by the Israel authorities. This shows that the approximate population of the area is 70,000, of whom 28,000 (or 40 per cent) reside in the Old City and 42,000 (or 60 per cent) outside the walls.

15. The distribution of population according to religious denomination is as follows:

Muslims	81.0 per cent
Catholics	8.1 per cent
Orthodox	6.5 per cent
Armenians	2.4 per cent
Others	2.1 per cent

16. The population of West Jerusalem is approximately 200,000, practically all of whom are Jews.

17. According to the International Committee of the Red Cross, about 7,000 refugees left the Jerusalem area. So far only a few persons have returned.

18. According to the figures of the Jordanian Census of 1 and 3 July of this year, 7,791 persons (including 1,201 householders) left the Jerusalem area. Arab sources consider that these figures are too low and that they represent only about 70 per cent of the real total of the refugees.

C. External aspect of Jerusalem

19. During his visit, the Personal Representative was struck by the great activity in the streets of the city.

20. The uniforms were few and the weapons fewer. The military policemen went about their duties in a matter-of-fact way. They appeared to be mostly concerned with directing the traffic, which was quite heavy. The picture of the crowd in the Old City was dominated by the tourists. Arabs and Jews were mingling. To the destruction of the war new destruction had been added. Bulldozers had cleared the walls which separated the firing lines, as well as many houses in the area of the former no man's land. Also in the walled city one could see the debris of levelled houses.

21. There was direct access to the Old City through many newly made roads and through the reopened gates. Outside the walled city the scars of battle were more noticeable. Also a number of shops were closed. Most of the hotels had reopened. Before dawn and during the day the muezzin could be heard as well as the church bells.

III. STRUCTURE OF THE MUNICIPAL AUTHORITIES

A. Situation in the Jordanian sector of Jerusalem before June 1967

22. Every citizen who had reached the age of eighteen and who paid municipal taxes of at least one Jordanian dinar a year was eligible to vote in the municipal elections.

23. Twelve representatives were elected to the Municipal Council on a non-party basis. Candidates had to be Jordanian citizens over the age of twenty-five, literate and have committed no crime. The Government, through the Minister of the Interior, appointed the Mayor from among the twelve Council members. The Council chose the Assistant Mayor from among its members by a simple majority vote; the Assistant Mayor deputized for the Mayor in his absence. The Council appointed from among its members the members of auxiliary committees, which were usually headed by the Mayor. The Council served as an advisory body to the Mayor and usually convened once a week, though a meeting could be called at the request of two-thirds of its members.

24. Elections for Mayor and Council members were held every four years. The Mayor received his salary from the Municipal Council. Members received no remuneration.

25. The current term of office was to have ended on 31 August 1967.

B. Situation since June 1967

26. The Israel authorities stated that they had offered the members of the Municipal Council of the Old City the opportunity to apply for new positions in the framework of the Israel administration, which they refused to do. Several members had left Jerusalem; at present there were only eight in the city.

27. The Municipal Council of the Old City had been superseded by the Municipal Council of West Jerusalem, which is composed of twenty-one members, all Israelis, who were elected on 2 November 1965.

C. The administration of the municipality

28. The Israel authorities further stated that the municipality of West Jerusalem began operations in East Jerusalem the day after the fighting ceased. In the beginning it acted as the agent of the Military Government, but from 29 June municipal processes started to function according to Israel law.

29. The Arab personnel of the Old City was absorbed in the equivalent departments in the Israel municipality, so that at present, for example, all the engineers and staff of the municipality of East Jerusalem were employed in the City Engineer's Department, the Water Supply Department, etc.

30. Practically all municipal employees included in a list comprising some 370 names provided by the Assistant Mayor of East Jerusalem, immediately after the take-over by the Israel authorities, were now employed by the municipality.

31. The question of the pension rights of pensioners in East Jerusalem had not been fully settled. In the meantime the pensioners had received an ex gratia payment on account of the pension for the month of June, pending a decision on the matter.

32. The Israel Authorities stated that they were not interfering with the functioning of the Muslim Waqf which is responsible for all resources designated for the upkeep of religious and welfare institutions. Moreover it had offered to assist the Waqf authorities to exercise direct control over the property. In addition, immediately after the hostilities, it had granted the Waqf a loan of 25,000 Israel pounds.

IV. MEASURES TAKEN BY THE ISRAEL GOVERNMENT IN ORDER TO INTEGRATE
THE PARTS OF THE CITY WHICH WERE NOT UNDER ISRAEL CONTROL
BEFORE JUNE 1967

A. Preliminary remarks

33. In the numerous conversations which the Personal Representative had with Israel leaders, including the Prime Minister and the Minister for Foreign Affairs, it was made clear beyond any doubt that Israel was taking every step to place under its sovereignty those parts of the city which were not controlled by Israel before June 1967. The statutory bases for this had already been created, and the administrative authorities had started to apply Israel laws and regulations in those parts of the city. However, for practical reasons - for example, because the texts of the laws had not been translated into Arabic - but also with the intention that the Arab population should become familiar with the new situation step by step, not all Israel laws and regulations were as yet been enforced; nevertheless, it was the declared objective of the Israel Government to equalize the legal and administrative status of the residents of those parts of the city which were not previously controlled by Israel with that of the Israel citizens as soon as possible.

34. The Personal Representative was repeatedly assured by the Israel side that every attention was being paid to the well-being of the Arab population and that the Arab residents would have the opportunity to bring their standard of living up to the level prevailing in Israel.

35. The Israel authorities stated unequivocally that the process of integration was irreversible and not negotiable.

36. Some information concerning the manner in which Israel is proceeding at the governmental and municipal level is given in two statements, which are to be found in annex II.

37. It is considered appropriate to discuss below in greater detail the measures taken by Israel in the various fields, placing particular stress on those questions which are especially vital to the life of the population. It is in the nature of the following account that the information is drawn for the most part from Israel sources.

B. Israel legislation affecting East Jerusalem

38. The Personal Representative was supplied by the Israel authorities with the text of certain laws and orders which had been adopted with a view to including Old Jerusalem and certain surrounding areas previously under the control of Jordan within the State of Israel.

39. Under the Law and Administration Ordinance (Amendment No. 11) Law of 27 June 1967, it was provided that the law, jurisdiction and administration of the State should apply in any area of the State of Israel designated by the Government by order. Under this provision the Government issued an order dated 28 June 1967 which declared that a territory defined in an annex was an area in which the law, jurisdiction and administration of the State of Israel were in force. The area described in detail in the annex included the Old City, Sur Baher, Sheich Jarakh, the Kalandia airport, Mount Scopus and vicinity and Sha'afat.

40. Similarly under the Municipal Corporations Ordinance (Amendment No. 7) of 27 June 1967, the Minister of Interior was empowered at his discretion to enlarge, by proclamation, the area of a particular municipal corporation by the inclusion of an area designated under the Law and Administration Ordinance as just amended. By an order dated the following day, the Minister declared that the boundaries of the Jerusalem Municipal Corporation would be extended by the inclusion of the area described in the previous paragraph.

41. It was explained that the Jerusalem Municipality had refrained from enforcing the municipal by-laws to the eastern sector immediately after reunification because they had not as yet been translated into Arabic.

42. When the by-laws became available in Arabic the Municipality began to enforce sanitation and public health laws and the ordinance forbidding peddlars to operate without a licence. In order to enforce the by-laws throughout the larger area, thirty-five new inspectors had been hired.

43. The policy of the Municipality was to introduce the by-laws in stages, out of consideration of the need to familiarize the population with them in a gradual manner.

C. Physical measures and civilian services

44. The opening of means of access to the Old City and the destruction of barriers started almost immediately after the end of hostilities. By the end of August all former access roads had been reopened.

45. Alongside this activity went on the destruction of former Jordanian military positions and the removal of mines, principally in the old no-man's land, in the Jerusalem area.

46. The Israel authorities stated that buildings in a slum area outside the Temple Wall had been destroyed; the inhabitants had been provided with alternative housing. Fifty to seventy families, however, had been put in houses left by refugees who had since returned, so they had to find their own accommodation; they were being given key money and their rent would be subsidized for two years through the city welfare agency. Loans for seven years would also be made to fifty-five families in the Old City whose houses had been damaged by shelling, so that they might repair them before the winter. Dilapidated and dangerous houses along the Old City walls had been demolished (these houses had mainly been in no-man's land) and it was planned to build a park round the walls. The land was mostly church property and compensation would be paid. Houses in no-man's land, where there were many mines, had been de-mined and demolished; they had been uninhabited since 1948. These houses were in a dangerous condition and there was a risk of squatters with the existing housing shortage. It had not been possible to do anything about them before, as they were in no-man's land.

47. The Israel authorities further stated that there were no plans for the construction of buildings in East Jerusalem. There was a ban on all buildings within the Old City walls, except for the reconstruction of several streets in the Jewish Quarter. These would be kept in the same style as before as far as their exteriors were concerned, but would be modernized inside.

Water

48. According to the Israel authorities, the water supply network of East Jerusalem was connected with the Western system one day after the end of hostilities.

49. In the past, East Jerusalem had received its water from sources at Ein Fara, Ein Pohar and Wadi Kelt, which together were capable of supplying 3,000 cubic

metres a day, or fifty litres per inhabitant. Because of the water shortage it was necessary to supply water only intermittently. The city was divided into three areas, each of which received water twice a week.

50. During the war, several pumping stations and waterpipes were damaged. The damage was repaired and the water supply resumed. After it became apparent that the water supply was insufficient, three connexions were made with the system in West Jerusalem. During the first weeks the demand doubled, and the need was three times what it had been before the war (9,000 cubic metres a day); two thirds of this amount came from West and one-third from East Jerusalem.

51. It was explained by the Israel authorities that the cost of water in East Jerusalem had been more than twice as high as that in West Jerusalem. With the merger of the systems, the cost was lowered to that prevailing in the west, which would lead to an annual deficit of half a million Israel pounds in the budget of the Water Department (which must cover all expenses through fees). An equalization fund had been established.

Sanitation

52. The Israel authorities stated that the Sanitation Department had begun its work immediately after the war. During the first period it was mainly concerned with removing the rubble accumulated during the fighting. Once this was completed, it concentrated its efforts on the improvement of services, which included the acquisition of sweeping machines, machines to collect garbage, 5,000 garbage cans to be distributed to houses and 150 large garbage receptacles, at a total cost of more than one million Israel pounds.

53. While checking waste-water, thirty malaria sources were found. They were now being eliminated. Efforts were also being made to stop the use of unpurified sewage water for irrigation.

54. Veterinary control had been increased and, within this context, renovation had begun at the municipal abattoir, which had been partially destroyed during the hostilities.

55. The entire Sanitation Department had been transferred to the Old City Municipal Building.

Roads, parks and public property

56. According to the Israel authorities, the City Engineering Department had begun work on the beautification of public parks, and the improvement of roads and lighting. The budget for East Jerusalem allots approximately four million Israel pounds for the execution of various works.

Welfare

57. The Personal Representative was informed that on 7 August 1967 a Welfare Bureau was opened to the public in East Jerusalem. At present the Bureau was primarily occupied with the distribution of aid to past recipient families, and with the investigation of the new cases applying for assistance by means of interviews in the office, home visits by social workers and contact with friends and local leaders who knew of their situations.

58. A programme has been prepared to distribute 3,337 food packages contributed by UNICEF to needy cases in East Jerusalem.

59. UNRWA has an important Field Office and a Ration Distribution Centre in Jerusalem and it takes care of the refugee camp in Kalondia.

60. The Catholic organizations in East Jerusalem are supporting up to 2,000 families a month, at a cost of \$3.00 per person on average.

D. Budgetary figures for East Jerusalem

61. According to Israel authorities the municipal budget for East Jerusalem for the period from July 1967 to April 1968 amounts to approximately 8 million Israel pounds for regular and non-recurrent expenditures and to an additional 8 million pounds for development schemes.

62. The break-down of the budget is as follows:

	<u>In Israel pounds</u>
General administration	310,000
Sanitation	1,609,000
Financial administration	395,000
Fire-fighting	263,000
Construction plans	440,000
Property maintenance	1,416,000
Tourism and economic activity	200,000
Municipal Central	418,000
Education	1,258,000

	<u>In Israel pounds</u>
Youth and sport activities	100,000
Cultural activities	100,000
Public health services	188,000
Public welfare	10,000
Water	1,731,675
	<u>8,498,675</u>

63. The breakdown of the development budget is as follows:

	<u>In Israel pounds</u>
Equipment for sanitation services	1,000,000
Public property	4,000,000
Improvement of school buildings	400,000
Water installations and supply	2,500,000
	<u>7,900,000</u>

E. Economic measures

General situation

64. The Israeli authorities provided the Personal Representative with a substantial amount of information on the present economic situation in East Jerusalem both in the form of an oral briefing by a high official of the Economic Department of the Ministry of Foreign Affairs and of written material. In general, while admitting the existence of serious economic problems of adjustment, they maintained that in many respects the economy of the area was in a prosperous state due to the constant flow of Israel shoppers and sightseers and that the adverse effects of the cessation of tourism should not be unduly protracted.

65. The Personal Representative was told that many of the economic problems were the result not of the reunification of the City but of the dislocation caused by the war, which had been fought within the boundaries of Jerusalem. There was the physical damage to buildings, equipment and, particularly, vehicles, as well as the fact that goods had been taken over by the Israel army for its own use. An instruction had been issued that all private property should be returned immediately, but it was sometimes difficult to locate it. Absentee property was handled by the Custodian of Absentee Property.

66. It was explained that previously Amman, not Jerusalem, had been the economic and financial centre of Jordan. East Jerusalem had had no industry except for tourism and its related small industries; there were in all about 200 small workshops. On the other hand, there were over 1,500 shops and a variety of service establishments.

67. It was reported that from the time that access from Israel to East Jerusalem had become free, the shopkeepers there had been unusually active, selling at the rate of 2 million Israel pounds a day in the first month and at a steady rate of 1 million Israel pounds a day at present. As a result, stocks had run down quickly in many instances and were being replenished in part from Israel sources and in part from supplies in the west bank and in unoccupied Jordan. Service establishments were reported to have greatly increased their activities. The workshops, after an initial period of dislocation, were said to have all reverted to routine and normality and to be going through a process of adjustment to new marketing conditions.

68. In general, the Israel authorities stated that unification had meant that the "underdeveloped" economy of the eastern sector had come into contact with the more developed economy of the western sector. That had caused an economic shock, but would not necessarily be detrimental to the population, which could enjoy a higher standard of living.

69. The Personal Representative was informed that everything was being done not to cut East Jerusalem off from its source of supply on the west bank, in particular in respect of fruit and vegetables and other agricultural supplies. It was true that certain measures had been taken to avoid the overflow of agricultural produce so as not to affect the price and markets for frozen vegetables in Israel; some produce, however, had gone from Jerusalem to other markets in Israel.

70. It was stressed that agricultural produce from the west bank was untaxed on entry into the city. Customs check-points had been set up near Sha'afat and Bethlehem and other imports were in law subject to Israel customs duty; in practice, however, no customs duty was being collected on any product.

71. Under a customs order published on 28 June, wholesalers were liable to pay on goods previously imported the difference between the duties already paid to Jordan and the higher Israel tariff. Stocks had been inventoried, but the Customs Department had not yet sent out any debit notices, which would in any case only be served on wholesalers with stocks of a value exceeding 1,000 dollars.

72. On the other hand, the Israel system of excise duties was being applied not only to East Jerusalem but throughout the Israel-controlled areas and was being collected at the factory. Duties were accordingly payable on tobacco, alcoholic beverages, spirits, petrol and cement.

73. As a result of these measures, retailers had raised the prices of products in stock. The question of the increased cost of living was being studied by a committee; figures had been asked from the Bureau of Statistics. All salaried officials - municipal employees, etc. - had had their salaries increased, though they were not yet receiving the Israel scale, which would bring them a fivefold increase in the higher grades, a twenty-fourfold increase in the lower.

74. It was stated that citizens of East Jerusalem would be required to pay income tax in accordance with the legislation of Israel as from 28 June 1967. From the end of August, deductions for tax payment would be made from the salaries of public servants, whether of the Government or of the municipality.

75. It was explained that the system of municipal taxation in Israel differed in many respects from what was in force in East Jerusalem. It would seem that in general the municipal taxes in West Jerusalem are more varied, and levied at a higher rate where comparable, than those in East Jerusalem, though water charges were less than half. On the other hand, it was maintained that the services previously supplied by the municipality of East Jerusalem could not bear comparison, in scope and efficiency, with the standard attained by local government in Israel.

76. It was stated that no municipal taxes had been paid in East Jerusalem since the unification, except for abattoir fees and market dues, which continued to be collected at the previous rates.

77. Finally, the information provided by the Israel authorities showed that motor vehicle licences in Israel were higher than those previously imposed by Jordan.

78. It was explained that serious obstacles to economic recovery had been caused by monetary problems. The eight banks previously operating on the west bank of the Jordan, with nine branches in East Jerusalem, had had their headquarters and kept their reserves in Amman. The cash actually held by the banks was only enough to cover 6 per cent of the public's deposits, and it had, therefore, been impossible to open them. In East Jerusalem, those deposits amounted to 5.7 million dinars, which meant that the bank closure immobilized more than half of the

monetary assets in the hands of the public. The closure also prevented businessmen from getting the credit which they needed for the resumption of their affairs. The economic integration of East and West Jerusalem had been accompanied by a rise of prices in East Jerusalem which had brought about at the outset a further **diminution** of the real value of the liquid assets of the inhabitants.

79. On the other hand, the contraction of liquidating had been offset to a certain extent by such factors as the fact that borrowers did not at any rate for the time being have to repay bank loans, amounting to 3.9 million dinars and that purchases in East Jerusalem by Israelis had added considerably to its liquid assets.

80. It was stated that before long five Israel banks had opened branches in East Jerusalem and were granting loans to firms so that they could refloat their activities. Moreover, Israel was involved in negotiations, through the International Monetary Fund, to have Jordan transfer the assets of the closed banks back to them and was working to facilitate their reopening.

81. Arrangements had been made for the citizens of East Jerusalem to convert their holdings of Jordanian currency. They were reported to have so far exchanged 400,000 dinars into Israel pounds; that represented from 10 per cent to 15 per cent of the cash in their hands.

82. It was stated that, on the special question of the rate of exchange of the dinar, the criterion in fixing the rate had been the value of the currency on the free Swiss market (7.50 Israel pounds to the dinar). So as to avoid curtailing purchasing power, Israel had subsequently decided to raise the rate of exchange of the dinar.^{1/} As far as possible that would be done retroactively. Those who had exchanged more than 100 dinars - of which a record would be available in the bank - would receive a refund. For smaller amounts, of which no record existed, the differences would be placed at the disposal of the community for social purposes.

^{1/} The current rate is 8.40 Israel pounds to the dinar.

Information supplied by the Israel Chamber of Commerce

83. At a meeting which was arranged by the President of the Israel Chamber of Commerce and which included several Arab personalities, it was stated that individual Arab businessmen from East Jerusalem were being given all possible assistance by the Jerusalem Chamber of Commerce and other West Jerusalem businessmen to enable them to obtain agencies and distribution rights of Israel industries and to aid them to obtain raw materials for their industries; some of these materials were already on their way to the Jordan port of Aqaba and some still in European or overseas ports, awaiting consignees' instructions. The Chamber of Commerce helped them to obtain Israel import licences, allocations of foreign exchange to pay for their imports, and in matters of procedure.

84. The President of the Israel Chamber further stated that the Arab Chamber of Commerce, Jerusalem, had been contacted in order to assist Arab businessmen in their adjustment to the new conditions, and in the re-establishment of normal business life in Jerusalem. The Committee of the Arab Chamber of Commerce had expressed its gratitude and indicated its willingness to co-operate.

Tourism

85. As regards the hotel industry, the Personal Representative was informed by the Israel Ministry of Tourism that all except four of the thirty-four hotels (with 3,726 beds) recommended for tourists in East Jerusalem had reopened. (The corresponding figures in West Jerusalem were twenty-three hotels with 2,244 beds). The question of ownership had not been fully established but the hotels were being run by substantially the same personnel. As a result of rising costs, room rates had been raised an average of 14 per cent, which still was lower than rates in West Jerusalem.

86. Of the fifty-five tourist agencies in East Jerusalem, forty-seven had already applied for temporary licences and thirty-eight had already received them. Similarly, fifty-nine out of the 192 guides operating in East Jerusalem had already applied for temporary licences.

87. While there had been an influx of Israel visitors, the ordinary tourist trade, which had come to a standstill, was only just beginning again. From an analysis of tourism before the hostilities it was maintained that any possible loss from tourists in transit to other Arab countries was likely to be balanced by the

opening up of East Jerusalem to Jewish tourists to Israel, as well as local tourists from Israel.

Transportation

88. The Personal Representative was informed that there were 300 taxis in the Old City for a population of 70,000 compared with 150 in West Jerusalem for a population of 200,000. Those taxis were mainly operated on long journeys to Beirut, Amman and Petra, from which they were now cut off. The Israel authorities planned to license about forty to fifty general taxis and had offered others the status of tourist taxis (the drivers could not pick up ordinary cab fares, but could act as guides to tourists), but that had been refused. Consequently, the problem had not yet been solved.

89. There were still unsolved problems with bus companies, of which there were some thirty in the Old City, each one owning one to six buses. It appears that the Israel authorities had difficulties coming to terms with those companies and had allowed the Egged Bus Company from West Jerusalem to operate in the Old City. Matters had been further complicated when the East Jerusalem bus companies had gone on strike.

Integration of East Jerusalem workers into the activities of the Histadrut (Israel Federation of Labour)

90. A branch of the Histadrut has been opened in East Jerusalem. A certain number of Arab workers have already registered, and the Israel authorities expect that the number will increase substantially as more and more East Jerusalem employers approach the Histadrut to safeguard the rights of their workers.

91. The number of Arab workers is estimated at between 12,000 and 14,000.

92. The Personal Representative was told that the policy will be to pay Arabs employed in Israel enterprises salaries equal to those received by their Israel counterparts. As regards Arab enterprises, salaries would be calculated according to the economic solvency of the enterprise. Salaries would be raised gradually so as not to disrupt the Arab economy and to allow it to adjust to the conditions prevailing in Israel.

93. At present over 2,000 workers from East Jerusalem (including some 400 employees of the Municipality) are employed in the Jewish sector of the economy. They are employed in various branches, including construction, industry, hotels and other services.

94. The Personal Representative was informed that the Histadrut plans to establish various welfare and health institutions in East Jerusalem including a loan fund, a community centre for girls and women offering vocational training, a branch of "Working Youth" (a youth movement), and a branch of the "Rapoel" (sports club).

95. In the economic sphere, the Histadrut planned to initiate several enterprises in East Jerusalem which would provide employment for the local workers. The establishment of printing plants and a daily newspaper was under consideration.

96. A special authority for East Jerusalem would be established, whose task would be to initiate new enterprises and strengthen existing ones.

F. Measures concerning the judiciary

97. The High Rabbinical Court (the highest Jewish authority in religious matters) has been moved to East Jerusalem. A municipal court, presided over by an Israel municipal magistrate, deals with infringement of by-laws. It was stated that so far no Arabs had been charged before this court.

98. The Israel authorities stated that with the application of Israel law to East Jerusalem, the appointment of a Kadi (judge in the religious court) would be governed by the procedure provided in the relevant Israel law. However, the Government of Israel has decided to allow the situation prevailing before 5 June 1967 to continue. Muslim courts were functioning and handing down judgements in the same manner as in the past.

G. Educational situation

99. The Israel Authorities stated that at the end of the 1966/1967 school year there had been twenty-eight public educational institutions in East Jerusalem with 12,500 pupils, and twenty-four private institutions with 8,000 pupils. The structure of education had been very different from that in Israel.

100. It was intended to introduce as soon as possible in East Jerusalem all the educational laws and regulations applicable in Israel to Arab children, using the curriculum and textbooks already available for that purpose. While Arabic would be maintained as the basic language of instruction, Hebrew would be introduced gradually as a subject in grades 4 to 12. /...

101. Kindergartens, which had not previously existed, would be gradually introduced. Grade 9, which in Israel was part of the secondary school system, in which tuition was charged, would continue for 1967/68 in East Jerusalem to be part of the tuition-free intermediate schools. All the other pupils in grades 10 to 12 would be incorporated in the Graded Tuition System. In that system, the contribution of parents to tuition varied from nil to 1,000 Israel pounds and was determined by their economic status. Since most Arab families had large numbers of children most of them would not have to pay tuition; the Government and the municipality would cover their children's tuition.

102. The Israel authorities further reported that the Jerusalem Municipality was rapidly restoring all damaged school buildings. All previously employed teachers had been invited to continue their work for the next academic year, which was expected to open on time in the second half of September.

103. From information available to the Personal Representative from other sources, it seemed doubtful whether the teachers would be prepared to co-operate with the Israel authorities in reopening the schools. Reports subsequent to the Personal Representative's departure tend to confirm this.

104. It was further stated that private schools would be subject to a "pedagogic control" only.

H. Press

105. It was stated that the two Arab newspapers which were published before June 1967 in East Jerusalem had disappeared.

V. THE SITUATION IN JERUSALEM AS DESCRIBED BY ARABS

A. Preliminary remarks

106. It should be noted, first of all, that there is a certain disproportion between the volume of the information which the Personal Representative received from the Israel aide and that of the information from Arab sources. This was due, partly to the fact that his investigations were carried out in an area under the control of the Israel Government, but partly also to the fact that his Arab interlocutors, in contrast to the Israelis, were not involved in an action, but simply expressed their reactions. In addition, the Arabs in Jerusalem - again in contrast to the Israelis - at present lack any extensive administrative machinery.

107. Israel Government representatives stated that the Arab personalities whom the Personal Representative met at his own desire were, with few exceptions, members of the National Council of the Palestine Liberation Organization, headed by Mr. Ahmad Shukairy, and that they did not truly represent the Arab population. Naturally, it is impossible to delve into that argument. The Personal Representative noted that the memoranda, statements, resolutions, and other communications handed to him by the Arabs also bore the signatures of a wide range of Arab personalities, including many officials of the previous Jordanian administration and recognized religious leaders.

108. The Personal Representative also remarked that he had met not only Arab personalities who are opposed to the Israel Government but also some who were co-operating with the Israel authorities.

B. Arab information on population figures

109. According to Arab sources, the population of Old Jerusalem prior to 5 June 1967 was about 75,000. If the population of the immediately surrounding areas (Sha'fat, Beit Ranima, Ram, Kalendia and Tours) was included, the figure was about 130,000. Of this hereditary population, many had fled to Jordan as a result of the hostilities, while others were working abroad (in Kuwait, Saudi Arabia, Libya, Qatar, Bahrein, Abu Dhabi, etc.). These temporary emigrants alone were said to number about 60,000.

C. Arab complaints

110. The Arab personalities whom the Personal Representative met put forward both orally and in the written communications a number of detailed complaints against the Israel authorities (see annex I). The most important of these are summarized below. A description is also given of certain steps taken by Arab notables to establish an organization representative of Arab interests.

Desecration of Muslim Holy Places and other acts

111. Most of the Arabs interviewed by the Personal Representative stated that the Muslim population was shocked by Israel acts which violated the sanctity of the Muslim shrines. It was regarded as a particular provocation that the Chief Rabbi of the Israel Army, with others of his faith, conducted prayers in the area of the Haram Al-Sharif. (The Israel Government has in the meantime put a stop to the offering of further prayers by members of the Jewish faith in the area of the Holy Mosque.)

112. Statements by Israel official representatives and Jewish personalities concerning Jewish claims and plans in the Temple area had had an alarming effect.

113. The dynamiting and bulldozing of 135 houses in the Maghrabi Quarter (in front of the Wailing Wall) had also aroused strong feelings. This action involved the expulsion of 650 poor and pious Muslims from their homes in the immediate vicinity of the Mosque of Omar and the Aksa Mosque. The houses, which also included two small mosques, belonged partly to the Waqf and partly to Arab individuals.

114. It was charged that the Israel authorities had taken over the so-called Jewish Quarter and evicted 3,000 residents at short notice.

115. It was also pointed out that the Israel authorities had chosen a government school for girls near the Aksa Mosque as the seat of the High Rabbinical Court, without consulting the Waqf.

116. It was repeatedly emphasized that further encroachments by the Israel authorities would lead to serious unrest among the Muslim population and might have grave consequences.

Application of Israel laws

117. The Personal Representative was told that the Israel authorities claimed jurisdiction over the Muslim religious courts and control over the sermons preached from the Aksa Mosque, and that that was rejected as contrary to the precepts of Koranic Law and of Muslim theology.

118. It was also stated that the application of Israel civil law was unacceptable to the Arabs, not only because the laws of Israel would supersede the existing Jordanian laws, but because they were alien to Koranic Laws.

119. Judges and attorneys had therefore refused to co-operate with the Israel judicature.

Arab municipal authorities

120. The dissolution of the elected Municipal Council of East Jerusalem and the taking over of its buildings, furnishings and archives by the Municipal Council of West Jerusalem was described by Arabs as a violation of international law.

121. In a letter of 24 July 1967, the Israel Military Governor for the West Bank was informed that the twenty-four signatories of the letter had "constituted themselves as the Muslim body in charge of Muslim affairs on the West Bank, including Jerusalem".

122. This "Higher Muslim Council", as it is also called, on the same date designated four Arab personalities to carry out the responsibilities of public administration, with express instructions to exercise their jurisdiction on the West Bank, including East Jerusalem, in accordance with the applicable Jordanian law.

123. In communications (of which the Personal Representative received copies) to the President of the Council, the representatives of the following organizations expressed their support for the "Higher Muslim Court":

- The Women's Organizations and Institutions on the West Bank
- The Union of Doctors
- The Union of Dentists
- The Union of Pharmacists
- The Union of Lawyers
- The Union of Engineers
- The Union of the Officials and Labourers of the Electricity Board in Jerusalem
- The Union of Scaffolding Workers in Jerusalem

The Labourers in Printing Houses
The Workers in the Jerusalem Municipality Councils
The Workers in Exchange Offices
The Union of Workers in Hotels and Cafés
The Union of Workers and Chauffeurs
The Union of Bakers
The Union of Builders
The Union of Tourist Guides
The Union of Tailors
The Union of Shoemakers

124. The Personal Representative was also given a copy of an appeal on the subject by Arab Women on the West Bank.

125. The decisions taken by the "Higher Muslim Council", which has not been recognized by the Israel authorities, are made known to the Arab population through Amman Radio.

Economic situation

126. The Personal Representative was told that the measures already introduced or announced by Israel with respect to taxes, customs duties, licences, absentee properties, and other economic matters, were considered oppressive by the Arab population and that there was a growing feeling of economic strangulation. Even if the present dislocations in economic life should cease in due course, the Arabs feared that they would be permanently at a disadvantage in comparison with the Israelis, who were at a more advanced stage of economic development.

127. On the other hand, the Personal Representative had an opportunity to speak to a few Arab businessmen who considered it to their advantage to co-operate with the Israelis and had already entered into business relations with them. They stated that they were satisfied with the accommodating spirit shown by the Israelis.

Situation in the cultural and educational field

128. Where the schools were concerned, the Personal Representative found a pronounced aversion to the efforts of the Israel authorities to apply their own educational system to Arab schools. He was told that the teachers would refuse to resume their duties under the given conditions. It remains to be seen, in mid-September or late September, when the Arab schools are scheduled to reopen, to what extent the parents will likewise refuse to send their children to school.

129. From the cultural standpoint, the fear was expressed that the Arab way of life, Arab traditions and the Arabic language would suffer permanent damage under the influence of the Israel majority. It was also pointed out in this connexion that from the standpoint of customs and origin the Israel community formed a heterogeneous society which might have an adverse effect on strict Arab morals.

D. General objections

130. The following observations relate in part to considerations of international law, and thus go beyond a presentation of facts. At the same time, however, they reflect an attitude and a state of mind which are vital to the evaluation of the factual conditions.

131. The Personal Representative was told that the Arabs recognized a military occupation régime as such and were ready to co-operate with such a régime in dealing with current questions of administration and public welfare. However, they were opposed to civil incorporation into the Israel State system. They regarded that as a violation of the acknowledged rule of international law which prohibited an occupying Power from changing the legal and administrative structure in the occupied territory and at the same time demanded respect for private property and personal rights and freedoms.

132. It was repeatedly emphasized that the population of East Jerusalem was given no opportunity to state for itself whether it was willing to live in the Israel State community. It was claimed that the right of self-determination, in accordance with the United Nations Charter and the Universal Declaration of Human Rights, had therefore been violated.

133. In conclusion, it was pointed out that the Arab population places its trust in the United Nations and relied on the resolutions adopted by the General Assembly.

VI. THE ATTITUDE OF THE REPRESENTATIVES OF THE
VARIOUS RELIGIOUS COMMUNITIES

134. All representatives of the various religious communities whom the Personal Representative met agreed that the Holy Places needed special protection and that their believers should have free access to those places. They felt that the prime prerequisite for this was peace and stable political conditions. Their objective was to be able to perform their spiritual duties in peace without constantly having to fear that international conflicts or State interference could jeopardize their traditional tasks.

135. One detected among the religious dignitaries a feeling of relief that a cease-fire was in effect and that material damage to the Holy Places was relatively minor. It was acknowledged by all, with thankfulness, that the combatant parties obviously had it in mind to spare the Holy Places as much as possible. On the other hand, one detected concern for the future. Would the situation remain as it was, or were further convulsions to be expected? What would be the consequences if the Holy Places were under the sovereignty of a State which identified itself with one religion and which had never concealed the fact that, where Jerusalem was concerned, its political objectives coincided with the religious objectives?

136. One eminent member of the Christian faith expressed this concern as follows: Jerusalem must retain its universal religious character. The well-established rights of the three major religions must be protected in toto. History had shown that whenever a religion tried to assert its hegemony in the politico-religious field serious and sometimes bloody conflicts ensued.

137. Shortly after the cessation of hostilities, reassuring statements were already being made by the Israel side in this connexion.

138. Prime Minister Levi Es'kol, meeting on 7 June with the spiritual leaders of all communities, declared:

"Since our forces have been in control in the entire city and surroundings, quiet has been restored. You may rest assured that no harm of any kind will be allowed to befall the religious Holy Places. I have asked the Minister of Religious Affairs to contact the religious leaders in the Old City in order to ensure orderly contact between them and our forces and enable them to pursue their religious activities unhindered. At my request the Minister of Religious Affairs has issued the following instructions:

(a) The arrangements at the Western Wall shall be determined by the Chief Rabbis of Israel.

(b) The arrangements in places sacred to the Moslems shall be determined by a Council of Moslem religious dignitaries.

(c) The arrangements in places sacred to the Christians shall be determined by a Council of Christian religious dignitaries."

139. Meeting with them again on 27 June, the Prime Minister declared:

"It is my pleasure to inform you that the Holy Places in Jerusalem are now open to all who wish to worship at them - members of all faiths, without discrimination. The Government of Israel has made it a cardinal principle of its policy to preserve the Holy Places, to ensure their religious and universal character, and to guarantee free access. Through regular consultation with you, Heads of the communities, and with those designated by you, at the appropriate levels, for this purpose, we will continue to maintain this policy and to see that it is most faithfully carried out. In these consultations, I hope that you will feel free to put forward your proposals, since the aims I have mentioned are, I am certain, aims that we share in common. Every such proposal will be given full and sympathetic consideration. It is our intention to entrust the internal administration and arrangements of the Holy Places to the religious leaders of the communities to which they respectively belong: the task of carrying out all necessary procedures is in the hands of the Minister of Religious Affairs."

140. The same day, the Knesset passed the "Protection of Holy Places Law" 5727-1967, as follows:

"PROTECTION OF HOLY PLACES

"1. The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places.

"2. Whoever desecrates or otherwise violates a Holy Place shall be liable to imprisonment for a term of seven years.

"3. This law shall add to and not derogate from any other law.

"4. The Minister of Religious Affairs is charged with the implementation of this law and he may after consultation with or upon the proposal of representatives of the religions concerned and with the consent of the Minister of Justice make regulations as to any matter relating to such implementation.

"5. This law shall come into force on the date of its adoption by the Knesset."

141. These statements and statutory measures were very favourably received. Various religious representatives in fact told the Personal Representative spontaneously that so far the Israel authorities had conformed to the principles which had been laid down and that there was therefore no ground for complaints. They hoped that whatever difficulties still existed or were feared - mostly of a practical and physical nature - would be resolved in a spirit of co-operation.
142. Although the attitude of representatives of other Christian denominations was, rather, one of "wait and see", they also described the present situation as satisfactory.
143. Apart from the Muslims, whose position was discussed earlier in connexion with the attitude of the Arabs generally, it was essentially only the Catholic Church which adopted a systematically divergent attitude. As is well known, the Holy See remains convinced that the only solution which offers a sufficient guarantee for the protection of Jerusalem and of its Holy Places is to place that city and its vicinity under an international régime in the form of a corpus separatum.
144. The Vatican has had talks with the Israel authorities on this and other questions, and the talks are reported to be continuing.
145. Various religious representatives expressed the hope that their links with the outside world, including the Arab countries, would remain open. These links are of particular importance to the religious communities as they relate to contacts with the corresponding religious centres abroad, the influx of pilgrims and the exchange and replacement of clergy, monks, nuns, and so forth.
146. The Personal Representative was assured by the Israel side that a liberal practice would be pursued in this respect. It was stated that, so far as entry from Arab countries was concerned, it was for those countries to issue the relevant permits.
147. Other religious leaders displayed some concern that their privileges, including exemption from taxes, should be respected. These privileges are of particular importance to those religious communities whose income is derived entirely or partially from landed property, houses and shops.
148. With respect to religious schools, which now come under the "pedagogic supervision" of the Israel Ministry of Education, the feeling generally expressed was that no undue interference with the form of education was to be expected. Schools which have students from Arab countries feared that they might no longer be able to attend.

149. Lastly, mention should be made of a special case which was submitted to the Personal Representative by the representative of the Syrian Catholic Church. Since 1948, the church and vicariate of the Syrian Catholic parish had been in no man's land and had remained intact throughout. It was stated that on 30 June and 2 July the buildings had been completely destroyed by the Israelis, without the parish's having been informed. The Vicar General of the Syrian Catholic Patriarchate had lodged a protest concerning this with the Military Governor of Jerusalem and claimed compensation. It was stated, however, that his demands had not yet produced any result.

150. The continuing interdenominational disputes with respect to the possession and custody of the Holy Places were mentioned by the religious representatives on a number of occasions, but the Personal Representative did not believe that they should be dealt with in his report.

VII. THE SECRETARY-GENERAL'S REMARKS

151. In conclusion, I would like to express my warm appreciation to Ambassador Thalmann for having gathered this very useful and important information on the situation in Jerusalem, in the brief space of time available to him. The information thus gathered has formed the sole basis for part one of this report.

152. I would also like to express my sincere thanks to the Government of Switzerland for having so readily responded to my request to make Ambassador Thalmann available for this specific ad hoc assignment, thus facilitating my report to the Security Council and the General Assembly.

PART TWO. IMPLEMENTATION OF GENERAL ASSEMBLY
RESOLUTION 2254 (ES-V)

153. On 15 July 1967, following the adoption of General Assembly resolution 2254 (ES-V), the Secretary-General addressed the following letter to the Minister for Foreign Affairs of Israel:

"Sir,

"At its 1554th plenary meeting, on 14 July 1967, the General Assembly adopted resolution 2254 (ES-V), a copy of which is attached.

"In operative paragraph 3 of that resolution the Secretary-General is requested to report to the General Assembly and the Security Council on the situation and the implementation of the resolution.

"I should be grateful if you would kindly bring the above-mentioned resolution to the attention of your Government as a matter of urgency.

"Accept, Sir, the assurances of my highest consideration.

"(Signed) U Thant"

154. Subsequent to the despatch of the above letter, the Secretary-General informed the Permanent Representative of Israel that the part of his report relating to the implementation of the resolution of the General Assembly would necessarily consist of the response to be received from the Government of Israel. The Permanent Representative of Israel assured the Secretary-General that a reply from his Government on the question of implementation of the resolution would be forthcoming in time for the Secretary-General to include it in his report.

155. On 11 September 1967, the Secretary-General received from the Minister for Foreign Affairs, transmitted by the Permanent Representative of Israel to the United Nations, the following reply to his letter of 15 July:

"Dear Mr. Secretary-General,

"After the adjournment of the emergency special session of the General Assembly on 21 July, the Government of Israel was consulted by you on the appointment of a personal representative entrusted with the mission of obtaining information for your report to the Security Council and the General Assembly.

"Ambassador Thalmann visited Jerusalem from 21 August to 3 September. The Government of Israel extended to him all the assistance necessary for the discharge of his responsibilities. He had detailed conversations with the Prime Minister and me, and with heads of the religious communities represented in Jerusalem. He also met leading personalities of all communities and heard the frank expression of their views.

"A salient fact of Jerusalem's life today is the intrinsic necessity of ensuring equal rights and opportunities to all the city's residents by extending to them the same public services and facilities. No international or other interest would be served by the institution of divisions and barriers which would only sharpen tension and generate discrimination. This does not foreclose the final settlement of certain important aspects of the Jerusalem situation which lie at the origin of the international interest in the city. I refer to the need to secure appropriate expression of the special interest of the three great religions in Jerusalem. It is our urgent desire to promote this objective in co-operation with the universal interests concerned. I am confident that in an atmosphere of international tranquillity substantial progress could be made towards this aim, which has hitherto had no concrete fulfilment.

"We are now concentrating on this task. It is our policy to ensure that the Moslem, as well as the Christian and Jewish Holy Places, should be scrupulously respected and revered, and placed under the responsibility of a recognized Moslem authority.

"I should like to assure you that the report based on the information obtained by your Personal Representative will receive our close study and on its publication I shall make a further clarification of our policies.

"Please accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Abba Eban
"Minister for Foreign Affairs"

ANNEX I

DOCUMENTS SUBMITTED TO THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL BY ARAB PERSONALITIES

A. Letter from Sheikh Abd al-Hamid al-Sayeh and thirteen other
personalities received by the Personal Representative on
26 August 1967

Sir,

On the occasion of your arrival in Jerusalem in the capacity of a personal representative for Mr. U Thant, the Secretary-General of the United Nations, to investigate and inform yourself on the steps the Israeli authorities have taken to implement the two resolutions adopted on the 4th and 17th of June 1967, in the course of the Emergency Session of the General Assembly of the United Nations, calling upon the Israeli authorities to rescind the measures it took to merge and annex Arab Jerusalem, we, the undersigned, both Muslims and Christians, have the honour to direct your attention to the following:

1. The Israeli authorities so far have not taken the slightest steps to indicate that they intend to comply with the resolutions of the General Assembly concerning Jerusalem. On the contrary, they have positively announced that they will not implement the aforesaid resolutions, and have taken more measures to demonstrate clearly their determination to annex Arab Jerusalem, revealing, in their actions, a complete disregard for the resolutions of the United Nations and the wishes of the inhabitants of Arab Jerusalem and their rights to self-determination.

2. In support of the above statement, the following measures, though not comprehensive, may nevertheless demonstrate the trend of their policy:

1. The occupying power dissolved the duly elected Arab Municipality Council in Jerusalem and dismissed the Mayor and other officials.
2. It placed Arab Jerusalem under the administration of the Municipality Council of Israeli Jerusalem which, in turn, confiscated the movable and immovable property of the Arab Council.
3. It subjected Arab Jerusalem to Israeli laws and regulations, and thus abrogated all the Jordanian laws previously applied in the City.

4. It imposed upon the inhabitants of Arab Jerusalem the heavier taxes and municipal rates applicable in Israel, thus causing undue hardship and additional heavy financial burdens.
5. It constructed physical barriers between Jerusalem and the rest of the West Bank, and restricted passage between the two sectors to special permits to be issued by the authorities.
6. It dissolved the Jordanian civil administration in the City, and dismissed most of its officials.
7. It dissolved the Jordanian Courts of Justice in Jerusalem, and subjected the City and its inhabitants to the province and jurisdiction of the Israeli Courts.
8. It replaced the Jordanian currency by Israeli currency as the only legal tender in the City, and compelled the inhabitants to change their currency into Israeli tender at rates which were far lower than the official rates and rates prevalent in world markets, thus causing many of the Arab inhabitants to suffer substantial losses.
9. It subjected the inhabitants of Arab Jerusalem to heavier rates of income taxation, and thus burdened them to further material losses to those already sustained in consequence of the war and the occupation.
10. It erected customs barriers around Arab Jerusalem and imposed and collected excise duties on all the goods imported from the West Bank, while allowing free entry of Israeli imports.
11. It imposed customs and duties based on Israeli laws on Arab Jerusalem, and collected such duties even on the goods already in stock which were imported before 5.6.67 and already paid for under Jordanian laws.
12. It refused to recognize Jordanian license permits for vehicles and other trades or professions, thus compelling people to obtain Israeli permits under threat of punishment, and further exerted great economic pressure, especially on travel offices and their agents.

13. It integrated the government schools in Arab Jerusalem into the Israeli Municipality Council's educational system, and replaced the Jordanian curriculum by an Israeli one, and further closed the office of the Director of Education in Arab Jerusalem.
14. It neglected the usage of the Arabic language in most of its measures and dealings, although it is the language of the inhabitants.
15. It placed the property of Arab absentee landlords under custodianship, as a preliminary step to confiscating it, as previously done with Arab property in Israel.
16. It attempted to place the religious courts and Muslim Waqf (property) under the jurisdiction of the Ministry for Religious Affairs in Israel, and apply the laws relating to personal status in Israel to Muslims.
17. It interfered with the personal freedom of citizens in that it exiled and committed to prison a number of Arab citizens who have expressed their views relating to the unacceptability to the Arabs of the annexation of Jerusalem.

Furthermore, the Israeli authorities have taken many arbitrary and provocative measures of which the following list, though not comprehensive, may give an idea:

1. The razing to the ground of the entire Mughrabi Quarter in the Old City comprising 153 houses and involving 650 persons, who were unable even to retrieve furniture because they were not given sufficient warning, and the destruction of two small mosques in that quarter.

2. The expulsion and rendering homeless of the 3,000 inhabitants of Sharif Quarter, on the pretext that Jews had lived in the Quarter in the past, although most of the houses in the area had been inhabited by Arabs throughout and owned by Muslim Waqf.

3. The destruction of many Arab houses and properties outside the walls of the Old City.

4. The occupying Israeli authority has also applied strong economic pressure against the inhabitants of Arab Jerusalem, with a view to reducing their resistance and forcing them to leave.

5. It confiscated a large number of private and public cars, pullman buses, and occupied a number of hotels.

6. It introduced Israeli bus companies into Arab territory to compete with or replace Arab companies.

7. It did not respect the sanctity of Muslim and Christian religious shrines, and thus forced the custodian of the holy places to close some of the churches. Moreover, the Chief Rabbi of the Israeli Army, Brigadier Goren, conducted a prayer together with some followers in the Haram Al-Sharif (Holy Mosque), thus blatantly offending the Muslim's susceptibilities and infringing upon their established rights, while the Minister for Religion in Israel announced that the Muslim Mosque is Jewish property, and that sooner or later they will rebuild their temple there. Finally, the Ministry for Religion announced its intention of expanding the Wailing Wall again thus destroying some of the Muslim buildings surrounding it, and constructing a synagogue there, in contravention of the status quo, and an outright violation of the rights of Muslims and Muslim Waqf.

It is quite clear that all these measures contradict basic principles of international law and international conventions governing the state of war and the treatment of civilians in occupied territories, which preclude the annexation by the occupying power of any territory or its division into administrative units to serve political purposes as long as the state of war still stands, and moreover do not give the occupying power the right to change or modify existing laws and administrations in occupied territories. On the contrary, international law and conventions call upon the occupying power to apply existing laws and administrative structures, and to protect private property, religious beliefs, and personal liberties, and to refrain from imposing new taxes and fees on the inhabitants under occupation.

The Israeli authorities, instead, have replaced the structure of Jordanian Arab administration in the city by a direct Israel administration in all aspects, and caused an exorbitant rise in the standard of living creating difficulties for Arab inhabitants.

Although some of these measures were taken before the two resolutions of the General Assembly of the United Nations in its emergency session, the majority were taken after the resolutions. Thus, the Israeli authorities did not only mean to challenge the United Nations and the Muslim and Christian world, but also to violate the rights of the Arab inhabitants of the city, particularly their right to self-determination, contravening in this the Charter of the United Nations, the Declaration of Human Rights, and the principles of justice and equity.

Naturally, the inhabitants of Arab Jerusalem will not accept this situation or recognize its status, and strongly protest against the annexation of their city by Israel.

In the light of this, we pray that Your Excellency will take the earliest convenient opportunity to meet with the undersigned and others in Arab circles in the city to discover their views regarding the annexation of their city, and we, in turn, are perfectly willing to forward any information or other details that you may wish to obtain.

Please accept our deepest regards.

SIGNED:

1. Sheikh Abdal-Hamid al-Sayeh, Chief of the Moslem Supreme Court and Kadi-al-Kudah (Chief Justice)
2. Rubi al-Khahib, Mayor of Jerusalem
3. Bishop Nagib Aub'em, Arab Anglican Bishop in Jordan
4. Sheikh Sa'd al-Dein al-Alami, Mufti of Jerusalem
5. Auton Atallah, Senator and ex-Foreign Minister for Jordan
6. Muhamed Is'ak Darwish, Member of the Higher Arab Committee
7. Yuaf Khouri, for the Union of Engineers
8. Anwar Nusseiheb, ex-Jordanian Ambassador in London, Member of Parliament for Jerusalem, and ex-Minister of Defence for Jordan
9. Dr. Nabih Mu'mer, for the Union of Dockers
10. Sheikh Ali al-Taziz, President of the Chamber of Commerce for Arab Jerusalem
11. Taysiv Kan'an, President of the Court of First Instance in Jerusalem
12. Na'im al-Ashaf, Representative for Trade Unions
13. Fouad Abd al-Hadi, Senator
14. Sa'ed Ala al-Deiu, ex-Jordanian Minister for Economic Affairs

B. Memorandum concerning the measures taken by Israel with respect to the City of Jerusalem, submitted by Mr. Rauhi El-Khatib on 26 August 1967

The Israel occupation authorities have not complied with the two United Nations resolutions on Jerusalem. Notwithstanding these directives, they have proceeded with and given effect to annexationist measures without heeding world public opinion and against the wishes of the Arab inhabitants, thus violating fundamental and elementary international laws relating to occupied countries. These measures, the ultimate goal of which - territorial expansion - the occupation authorities have not succeeded in concealing, include the following:

(a) Basic measures

1. They have torn down the barriers separating the two sectors of the city, and they have tacitly authorized their army and their people to harass the civilian population by pillaging houses, shops and vehicles, by seizing hotels, and by restricting the freedom of the population for a long period of time.
2. They have tacitly authorized the desecration of Christian and Muslim Holy Places and have permitted access to them during hours of prayer. We must also protest the complete lack of decorum shown by both men and women in dress and behaviour. This complete lack of respect has grossly offended the religious sensibilities of the faithful of both religions.
3. One hundred and thirty-five houses in the Mughrabi Quarter adjoining the Wailing Wall and adjacent to the two Mosques of Omar and Aksa, which are Muslim Holy Places, have been dynamited and razed by bulldozers. Because of this, 650 Muslim, all of them poor and pious persons living near the Muslim Holy Place, were removed from their homes and driven away, after having been allowed no more than three hours to evacuate their homes, which they had to do while the curfew was in effect. One can easily imagine the consternation of these families, who had to see to the removal of their property and take care of their children and their aged. One part of these buildings, comprising some houses and two small mosques, belongs to the Muslim Waqf. The other part was private property over which the Jews had no rights. They razed these buildings in order to make room for a Jewish religious institution.

4. The occupation authorities also took over some houses in the area known as the Jewish Quarter inside the boundaries of the Old City. They forced the evacuation of 3,000 residents after a one to three day period of grace and during non-curfew hours. Many therefore had to abandon their property when they fled and thus swelled the number of the refugees, many of whom are still completely destitute. We should bear in mind that most of these houses were Arab property.
5. They applied several oppressive measures to the remaining inhabitants of the city, depriving them of their means of subsistence and preventing the arrival of relief supplies from abroad. All this was done to force them to leave the city and thus reduce their number.
6. They proceeded to take a general census of the city and its environs lying within an arbitrary demarcation line which they established to limit the population of the City of Jerusalem. Closed shops and houses were marked with a distinctive sign. Absentee owners were, as a result, liable to summary requisitions.

(b) Measures taken against the Municipality of Jerusalem

1. The Israel Parliament adopted a decision authorizing the occupation authorities to annex to the State of Israel whatever they deemed necessary without regard to international law or to the will of the inhabitants. Accordingly, their Minister of the Interior ordered the annexation of Arab Jerusalem and several neighbouring villages to the Jewish sector of the city and the placing of the entire area under the administration of the Jewish Municipal Council.
2. Consequently, their authorities dissolved the Arab Municipal Council and dismissed the Mayor and the members of the Council after having seized their files and their movable and immovable property.
3. The Jewish municipal authorities later dismissed some officials of the Arab Municipality and transferred others to the Office of the Mayor of the Jewish sector.
4. The unified Jewish Municipality continues to carry out Israel administrative measures, which are wholly at variance with the Jordanian administrative policies which the residents are supposed to continue to follow under the most recent resolutions of the United Nations and under international law.
5. The Jewish Municipality demolished many Arab buildings both inside and outside the walls of the Old City and it is continually taking similar measures in order to erase the last trace of the demarcation lines between the two sectors and to create a fait accompli while at the same time weakening the Office of the Arab Mayor as a separate authority in order ultimately to do away with it entirely.

(c) Measures taken against the Arab administration

1. The Jordanian postal and telegraph, income tax, health and customs services, police system, cadastral survey and other city offices have been abolished. This administrative structure has been placed under the authority of the administrative centres of the other sector.
2. Officials have been subjected to pressure to sign work applications bearing the seal of the State of Israel. Most of them have refused to sign them or to co-operate, although previously during the military régime they had done their work out of a spirit of solidarity with their colleagues in the so-called "occupied" areas.
3. All the Jordanian laws in force in the Arab sector of the city have been repealed and replaced by Israel measures and laws, in violation of international law, which stipulates that the laws in force in occupied territories must be respected.
4. The occupation authorities have erected barriers between Jerusalem and the other Arab villages on the West Bank and have obstructed the free movement of its inhabitants by instituting a system of passes issued by the occupying forces.
5. They have set up customs posts on the boundaries of the City of Jerusalem for the purpose of taxing merchandise originating in the occupied Arab areas, while merchandise of Israel origin is left tax-free, in order to compel the Arabs to buy Israel products.
6. They have asked owners of private vehicles to renew their licences and have required them to turn in their Jordanian "plates" for Israel plates and to insure themselves with Israel insurance companies, claiming that they do not recognize the validity of prior insurance and permits.
7. They have disregarded the Arabic language and, consequently, all their correspondence and documents have been drawn up in Hebrew.
8. Courts of justice have been suspended and made subordinate to the Israel courts. The judges have been asked to serve outside Jerusalem; they have refused, and continue to refuse, to do so, in order not to collaborate.
9. Government schools in the Arab sector of Jerusalem are now under the jurisdiction of the Jewish Municipality, which has forced them to adopt the Israel

curriculum. The occupation authorities have requested some of the Arab teaching staff to transfer to the municipality and some to the Ministry of Education. Following the refusal of the teachers to co-operate, seals were affixed to the educational offices of the Jordanian Government.

(d) Matters relating to the Holy Places

1. Following repeated desecration of the Christian Holy Places, the Custodian of the Holy Places ordered the closing of some churches under his authority in the Arab sector and refused to open them to visitors. These Holy Places include the Church of Gethsemane, or Church of the Nations, the Church of Bethany, and the Church of the Prison of Christ on the Via Dolorosa.
2. The failure of the occupation authorities to prevent desecrations of the Holy Places has led to the burglary of one of the largest and holiest churches in the world. The priceless, diamond-studded crown of the Statue of the Virgin, Our Lady of Sorrows, on Calvary itself was stolen some ten days ago.
3. Armenian and Latin priests have been victims of aggression or offences committed by Jews, including, in some cases, Jewish religious officials, as well as by Israel soldiers or police.
4. The Chief Rabbi of the Israel Army, Brigadier Goren, with his escort and other Jews, on 15 August 1967 mounted to the Dome of the Rock with liturgical vestments and prayer-books. They conducted a prayer lasting two hours within the confines of the Mosque of Omar, thus infringing the inviolability of a Holy Place venerated by all Islam. Far from stopping at this provocation, they made known their intention of repeating such religious acts. At an official meeting held in Jerusalem on 12 August 1967, the Israel Minister for Religion stated that the occupation authorities considered the Mosque of Omar and its outlying buildings as their property either by past acquisition or by recent conquest. He also expressly proclaimed that those authorities were determined sooner or later to rebuild their temple on the Dome of the Rock itself. That statement shows how far their aggressive intentions against the Muslim Holy Places in Jerusalem extend, and no Muslim, or any honest man, could ever accept that statement.

5. The occupation authorities are constantly drawing up plans for the expansion and erection of religious buildings near "Boraq"; one of the most recent statements, reported in the Jerusalem Post of 8 August 1967, tells us that the occupying forces will continue to demolish other buildings belonging either to the Muslim Waqf or to Arab owners.

6. They have occupied a government school for girls which was built on Waqf land in the Mughrabi Quarter near the Aksa Mosque with a view to transforming it into a supreme religious tribunal without having asked the permission of, or even informed, the Muslim Waqf. They have even planted Jewish and religious emblems on them.

7. They have claimed jurisdiction over the Muslim religious courts and control over the sermons preached from the Aksa Mosque; those claims were rejected by the Muslim judiciary of the City of Jerusalem as contrary to the precepts of Koranic Law and the commands of Muslim theology. The situation is still very tense between the occupation authorities and the Muslim Committee concerning this very important religious issue.

(e) Economic matters

1. The local banks were closed, their assets confiscated and their work suspended.

2. On the other hand, five of the main stores in the Arab sector were confiscated and turned into branches of Israeli banks.

3. The Israel authorities abolished transactions in Jordanian currency and forced the inhabitants of the Arab sector to change their money into Israel currency at a rate much below that recognized in the free world markets and even further below the official rate, thus causing the Arab inhabitants and other residents heavy losses.

4. The occupying forces destroyed a large plastics factory inside the Walls, where 200 manual and clerical workers were employed. The goods produced there were marketed in Jerusalem, in other towns on the West Bank and in some neighbouring Arab countries. The buildings were demolished and the machinery was pillaged before the owners had time to remove it. By this action, the occupation authorities deprived the inhabitants of one of the major projects on the West Bank.

5. The tax authorities began to notify the inhabitants officially that motor vehicles and telephones would be subject to taxation in accordance with Israel law. They would also collect income tax. Practical measures were taken to impose customs duties on all merchandise in Arab shops and warehouses, although the owners had already paid Jordanian duties.

6. The occupying forces seized the Pullman buses belonging to a Jerusalem tourist company and to date have not returned them. Thus, the employees of the company are denied the earnings they could have derived from tourism in Jerusalem.

7. The authorities recently declared that the law concerning absentee property would be applied, and they appointed a custodian for "absentee" property. This notoriously severe law gives the Israel Government the right to confiscate the movable and immovable property of Arabs who are absent from the country and to use it as they see fit. The property in question includes enormous tracts of land and buildings, shares in companies, movable property and a variety of merchandise, the whole amounting to millions of Jordanian dinars. This law is applied only to the Arab sector of Jerusalem, which is considered by the occupation authorities to form an integral part of the State of Israel. It would not have been applied if this sector of Jerusalem had been considered an "occupied area" of the West Bank of the River Jordan.

8. In the Arab sector of Jerusalem there are a number of holy and historic places. A large number of tourist companies and Arab guides are established there. There are many hotels, souvenir shops and motor vehicles catering to the tourist trade. There was a very close link between all these businesses and Jerusalem Airport, which thus represented the main source of income for the inhabitants of the Arab sector of Jerusalem. With the annexation of this sector to Israel, however, tourist agencies and companies are landing their aircraft at Lod Airport, and Israel tourist companies transport companies, guides, hotels and souvenir shops are monopolizing the tourist trade. Only a small minority in the Arab sector is allowed to engage in these activities concurrently with their people. If this situation continues any longer, it will cause many persons employed in the tourist trade to close down their businesses and leave the country. This is the opinion of all those who still remain. The purpose of Israel's policy of annexation will then have been achieved.

(f) Social affairs

1. The annexation of Jerusalem to Israel separates those Arabs who remained inside the city limits from their brethren living on the West Bank and from those in the other Arab countries.
2. This annexation creates complicated situations for the inhabitants of Jerusalem and for those who work there. For instance, many city officials, workers and tradesmen reside outside Jerusalem, either in the Bethlehem or Jericho area or in the Ramallah and Bireh area. As in every large town in the kingdom and throughout the world, these persons come into town in the morning and leave in the evening. The separation of the city where they work from the areas where they reside causes them inconveniences, the least of which is the tremendous waste of time at the frontier posts or the trouble of having to set up homes inside the city, as a result of which they incur additional expenses and have to abandon their properties or sell them at ridiculous prices, not to mention the many cases where the members of a family are separated.
3. Until 5 June 1967, the population of Jerusalem was about 75,000, and if the population of the surrounding areas - Sha'fat, Beit Hanina, Ram, Kalandia and Tour - is included the figure was about 130,000. All these people were natives of the country, and many of these inhabitants had relatives who had temporarily taken refuge in Jordan, having fled at the time of the last incidents; similarly, many of them have members of their families working for a fixed period in Kuwait, Saudi Arabia, Libya, Qatar, Bahrain or Abu Zabi, or in other Arab countries. With what they earn, these emigrants help their relatives in the annexed country, thus ensuring their subsistence. They even managed, with the help of their savings, to purchase land or housing in anticipation of their return to the country. In the meantime, they were receiving the rentals for these properties. Some had invested their whole fortune in various companies in the country to provide for their old age. These emigrants alone number more than 60,000. They have rights in the city, like all the other present citizens; yet the annexation of Jerusalem to Israel will prevent them from returning and enjoying their property and will also deprive their relatives here of the help they were providing. This situation will inevitably force some persons to leave the country to seek a livelihood

elsewhere, and this alone will further reduce the number of emigrants included in the population figure by 190,000. This number probably exceeds the figure for the Jewish inhabitants of the other sector - with this difference, that the Arabs are natives of the country, while the Jews are mostly recent immigrants.

4. The Jews are beginning to unveil their projects for the construction of great buildings in the town and its surroundings to increase the number of the Jewish inhabitants to 500,000. The Arabs are afraid that these projects may be carried out at the expense of their properties and of their possessions by confiscation or under pressure. Likewise they fear that Jews may become the majority of inhabitants of Jerusalem, thus appropriating the city, of which the Arabs would retain only memories.

5. The occupation authorities have infringed the individual liberty of the Arabs of the city by arresting certain members of the national committees who proclaimed their opposition to the annexation of the Arab sector of Jerusalem to the Jewish sector. They have also imprisoned other members of these committees for the same reason.

The inhabitants of the Arab sector of Jerusalem and those of the West Bank resolutely proclaim their opposition to all the measures which the Israel occupation authorities have taken and which those authorities regard as constituting a fait accompli not subject to appeal or reversal, namely, the unification of the two sectors of the City of Jerusalem. They proclaim to the whole world that this annexation, even camouflaged under the cloak of administrative measures, was carried out against their will and against their wishes.

In no event shall we submit to it or accept it.

Abdel Mughni El Natshe
Khader Abu Swai

Faek Barakat
Ali El Taziz

Nihad Abu Gharbieh
Dr. Rashi El Nashashibi

Members of the Municipal Council

Rauhi El-Khatib
Mayor

Dr. Ibrahim Tleel
Deputy Mayor

C. Message dated 24 July 1967 addressed to the Military Governor for the West Bank by Mr. Anwar El-Khatib and twenty-three other personalities

Jerusalem 24.7.67

H.E. The Military Governor for the West Bank,

Whereas it is in the nature of an occupation by any country or any territory belonging to any other country that this occupation does not endow the occupying country with proprietor's rights over the occupied territory, nor does it endow it with sovereignty over such territory, but enjoins it to foster the interest of the occupied territory and to respect its laws and to protect the lives of the citizens as well as their rights and property, ensuring at the same time the freedom of conscience and worship, we therefore hereby declare that the orders issued by the legislative and executive authorities in Israel annexing Arab Jerusalem and its environs are null and void for the following reasons:

(a) Because Arab Jerusalem is an integral part of Jordan and because Israel is precluded by virtue of section 4 of clause 2 of the United Nations Charter from taking any action against the physical safety and political independence of Jordan territory and has therefore no right to annex any part of Jordan territory to Israel.

(b) Because the Assembly of the United Nations has resolved that the annexation is unlawful, such resolutions having been taken by the said Assembly in the course of its Emergency Session on 17.6.1967 and 21.7.1967 respectively.

(c) Because the Israeli Knesset has no authority that can enable it to annex territory belonging to another State.

(d) That while we declare that the inhabitants of Arab Jerusalem and its environs had already exercised their right of self-determination together with the inhabitants of the West Bank in full freedom when they had opted for Union with the East Bank thus constituting the Hashemite Kingdom of Jordan, in accordance with the unanimous resolution of the Jordan Parliament dated 24.4.1950.

And that in placing on record that the annexation of Arab Jerusalem is illegal and unilaterally imposed by the occupying power contrary to the wishes of the inhabitants of the city who oppose the annexation and who uphold the integrity of Jordanian territory.

We, at the same time, place on record that the Israeli occupying authorities had interfered illegally and in a manner which is contrary to Islamic Law in Muslim religious matters of which the following are some examples:

(a) The supervision by the Ministry for Religions in Israel over the Friday Sermon which is usually delivered in the Aksa Mosque in Jerusalem and the deletion from the sermon of much of its contents including chapters from the Holy Quran.

(b) Allowing Israeli visitors, men and women, to enter the Aksa Mosque while unsuitably dressed and in a manner which is inconsistent with religious belief and Arab and Islamic traditions.

(c) The destruction of two Muslim Mosques in the Maghrabi Quarter in Jerusalem in addition to the destruction of the whole quarter which is entirely owned by charitable Muslim Waqf property.

(d) Violation of the sanctity of the Ibrahimi Mosque in Hebron and its closure thus preventing Muslims from visiting it throughout the week, with the exception of a few hours on Friday, while at the same time allowing Israelis to visit it throughout the week and perform within it certain ceremonies which are not allowed by Muslim Religious Law.

(e) The interference by the Ministry for Religious Affairs in Israel in matters pertaining to Muslim Waqfs.

(f) The appropriation of Waqf Land known as Al-Nather and situated on the Tour Road in Jerusalem without the knowledge of the Waqf Department and against the interests of the Waqf administration.

(g) The attempt by the Israeli Ministry for religious affairs to interfere in the Muslim Religious Courts including the Supreme Religious Court in Jerusalem.

In view of all the above we request the following:

1. To refrain from infringing upon the safety and political independence of territory belonging to the State of Jordan and to respect the Charter of the United Nations and the principles of Public International Law and the two resolutions of the United Nations Assembly which were adopted during its recent session and which declared as illegal the act of annexation and which called upon Israel to annul the annexation of Arab Jerusalem and its environs to Israel.

2. To desist from interfering with Muslim religious matters including matters of personal status and the system of Muslim Religious Justice and matters pertaining to religious guidance, and to respect the sanctity of the religious ceremonies and Holy Places and not to interfere with Muslim Waqf.

3. To respect Arab Judicial religious or administrative and municipal institutions in Arab Jerusalem and to allow the same to undertake all their responsibilities which they have performed before the occupation.

And whereas the principles of Islamic Jurisdiction are clear and enjoin Muslims to undertake all their religious responsibilities in person in circumstances such as those existing now, and whereas the principle of Muslim Jurisprudence precludes non-Muslims from taking charge of Muslim religious matters, and whereas we, the representative Muslim citizens in the West Bank including Jerusalem have met on this day in the Hall of the Muslim Court of Appeal in Jerusalem, and after discussing the problems relating to Muslim matters in every way in the light of Muslim jurisprudence, we have resolved as follows:

1. The signatories hereunder have constituted themselves as the Muslim Body in charge of Muslim affairs on the West Bank, including Jerusalem, until such time as the occupation lapses.

2. The said body has decided as follows:

(a) Empowering His Eminence Sheikh Abd AL-Hamid Sayeh with the authority enabling him to undertake responsibilities of Chief Justice in the West Bank as defined in the Laws of Jordan.

(b) Empowering the Muslim Court of Appeal in Jerusalem to undertake all the responsibilities of the Council of Islamic Waqfs, the Council empowered to repair Al-Aksa Mosque and the Holy Dome of the Rock as defined in the Laws of Jordan, as well as all the responsibilities and powers vested in the Director-General of Muslim Waqfs.

(c) Empowering Sheikh Hilmi El-Muhtaseb to assume the responsibilities of Director of Muslim Law in addition to his present office as member of Islamic Court of Appeal.

(d) The appointment of H.E. the Mufti of Jerusalem, Sheikh Sa'ad El-Din El-Alami as an additional member of the Muslim Court of Appeal in addition to the present office.

(e) The appointment of H.E. The Muslim Religious Judge of Jerusalem, Sheikh Sa'd Sabri to the membership of the Waqf and Islamic Affairs Council aforesaid and to the Council for the repair of the Mosques as aforesaid.

(f) The above persons shall exercise their jurisdiction and responsibilities in accordance with the Jordan Law applicable on the West Bank including Arab Jerusalem until the occupation lapses.

Signed by:

Anwar El-Khatib
Governor of Jerusalem

Rauhi El-Khatib
Mayor of Jerusalem

Abd El-Hamid Sayeh
President of the Supreme
Religious Court

Hilmi Al Muhtaseb
Member of the Supreme
Religious Court

Sa'd Sabri
Religious Judge in Jerusalem

Sa'd Ed-Deen El-Alami
Mufti of Jerusalem

Lawyer Kamal Dajani

Lawyer Ibrajim Baker

Aref El-Aref
Director of the Jerusalem
Muslim

Foud Abd Hadi
Lawyer and Senator

Abd Rahim El-Sharif
Lawyer and Senator

Lawyer Hafez Tahtob

Lawyer Sa'd Ala' Eddin

Lawyer Omar Wa'ri

Lawyer Abd El-Muhsen Abu Mizer

Ishaq Darwish

Ishaw Duzdar

Hasan Tahbub
Director of Jerusalem Waqf

Dr. Daoud Hussein

Dr. Subhi Ghosheh

Lawyer Anwer Zaki Nusseibeh

Ali Tazziz
President of the Chamber of Commerce

Faek Barakat

Nihad Abu Gharbieh

D. Resolutions adopted by the Higher Waqf Council and the Committee for Muslim Affairs on 14 August 1967

The Higher Waqf Council and Committee for Muslim Affairs read in its meeting held on 9 August 1967 the report published by the Jerusalem Post in its issue of 8 August 1967 under the heading "The need to clear 82 metres in the area of Al-Baraq Wall" and discussed the evolution of the question of the Wailing Wall in its different phases and adopted the following conclusions.

1. The Jews have right of access to the Holy Place called the Wailing Wall, which is the Western Wall to the Holy Mosque, and the Muslims have preserved the Wall throughout the centuries and saw to it that no damage ever occurred.

2. The Jews enjoyed full freedom in using their rights of access to this Wall to conduct prayers and supplications until the 1948 war.

3. The Jews' rights in the Wailing Wall have been established by status quo and tradition.

4. In 1927 during the British Mandate Government, the Jews tried to go beyond their rights, and a bloody incident ensued between them and the Arabs. An official paper (The Western of Wailing Wall) was published by H.M. Mandatory Government in Palestine in 1931, following the resolution adopted by the League of Nations on 14 January 1930 and this paper announced the formation of a judicial Commission to consist of three non-British members. This International Commission, after investigations, gave the following ruling:

(a) The Western Wall is exclusive Muslim property, and Muslims exercise right in rem over the Wall since it is part of the area of the Holy Mosque which is muslim Waqf. Muslims also have right of property over the rasif facing the Wall and over the Maghrabi Quarter in the vicinity of the Wall since they are charitable Muslim Waqf.

(b) The Jews have right of access to the Wall where they can conduct prayers and supplications subject to the following rules.

(c) The door at the northern end of the Wall should be kept closed at certain hours which have to be decided upon and become binding, seeing to it that the Muslims' right of passage on the rasif in the customary way is respected and preserved.

(d) It is prohibited for any person to use the area in front of the Wall or the area adjoining for speeches or political demonstrations of any type.

(e) Since the Wall is an historical site, the Administration in Palestine should undertake its reconstruction and preservation after consultation with the Higher Muslim Council and the Rabbinical Council.

(f) Failing any action by the Muslim authorities to reconstruct the rasif, the Administration in Palestine should then take the necessary steps to reconstruct it.

(g) The wooden door leading from the rasif to the corner in the northern end of the Wall should remain closed on Saturdays and on Jewish Feast days ... etc.

Reference: Palestine Laws 1933, Volume 4, page 3397 and following - Arab Edition.

5. When the Israeli Authorities occupied Arab Jerusalem with other Arab territories after the June war, they contravened all local and international law or conventions. In the Wailing Wall area they destroyed two Muslim Mosques and a whole quarter, the Maghribi Quarter, rendering its population homeless, although the quarter is a charitable Muslim Waqf, in order to expand.

6. It is established in international laws, and conventions that it is not allowed to infringe upon other peoples' rights in an attempt to expand one's own through the exercise of acclaim to expand. Therefore the above-mentioned actions contravene all laws and conventions.

7. The Israeli Authorities went further in the publication of a story in the Jerusalem Post under the heading "The need to clear 82 metres in the Area of the Al-Baraq Wall" which contained the following:

It is possible to settle the dispute which arose over the issue of decent behaviour in the area facing the Wall, and specially as regards the separation of women from men in the Area, if the plan drawn up in the Ministry for Religious Affairs to clear 82 metres is executed.

A Committee for Education attached to the Knesset toured the Jewish Holy Places yesterday, and was informed by Chief Rabbi Torin, an official in the Ministry of Religion, that the concerned area is concealed by a number of buildings adjoining the Wall, and that it is possible to destroy these buildings and thus clear 48 metres for those who wish to pray whilst the rest of the area will remain open to the general public.

Chief Rabbi Torin also said that it has been proved that the northern part of the Wall also existed but was concealed by a number of buildings constructed over the centuries, and that the excavations carried out by the Jordanian Authorities showed that the Eastern part of the Wall existed in its entire length, and it is thought that the site for the Southern part also exists, and thus the Walls surrounding the Temple should extend for 480 metres.

In view of all this.

The Higher Council for Muslim Waqf in the Western Bank, in its mentioned capacity and in its capacity as a Muslim Committee responsible with the Director of the Office of Muslim Waqf, has convened and discussed the dangerous situation referred to by the aforementioned paper, and has decided to put the following on record:

1. The Muslim Committees in the occupied territories on the West Bank do not deny the Jews their traditional rights in the Western Wall.
2. The Muslim bodies, though, point out that the actions referred to in the Jerusalem Post, if accurate, imply the destruction of the honorary corner adjoining the Blessed Aksa Mosque, which is a Holy Muslim Shrine, together with other buildings, the destruction of the Tankizi School, the site of the Old Religious Court, where a Mosque stands, the destruction of the Institute for Muslim Studies and the Secretariat of the General Islamic Conference, all of which are religious and historical Muslim sites and charitable Muslim Waqf.

The above-mentioned Muslim bodies hope that the Authorities will take into consideration the consequences of such actions and its repercussions in the Muslim and international communities, and the damage which such actions would cause to the Aksa Mosque, and that it will further take into consideration that it is not permissible to infringe upon the rights of Muslims or to violate the sanctity of their Holy Shrines, and that such actions would contravene all international laws and conventions.

We hope that the Israeli Authorities will reassure the Muslim Community that it does not contemplate hurting Muslims' susceptibilities concerning their Shrines, Waqf and charitable institutions, and further that the story published in the Jerusalem Post is not accurate and has no support from the Ministry of Religious Affairs or any other official body.

We have asked the Director of the Office of Muslim Waqf to inform the Military Governor of this meeting and the resolutions adopted in it.

Signed:

Said Sabri: Member of the Waqf Council and
Judge of the Muslim Religious
Court in Jerusalem

Hilmi Al Muhtaseb: Member of the Waqf Council and
Member of the Supreme Muslim Religious
Court

Abdel Hamid El Sayeh: President of the Waqf Council
and President of the Supreme Muslim
Religious Court

Hassan Tahboub: Director of the Muslim Waqf in Jerusalem.

Sa'd El-Din Alami: Member of the Waqf Council and Mufty
of Jerusalem

E. Document dated 22 August 1967 submitted by Sheikh Abd Al-Hamid Al Sayeh and twenty-eight other personalities

In the Name of God the Merciful the Compassionate

Ruling by the Muslim Jurists

In view of the publication of an article in the Jerusalem Post on 8 August 1967 under the heading: "The need to clear 82 meters adjoining the (Baraq Wall)" which stated that the Ministry for Religious Affairs in Israel had drawn up a plan to clear that area, and that the Committee for Education in the Knesset has toured the Holy Places and was informed by Chief Rabbi Torin, an official in the Ministry for Religion, that the area concerned was hidden by the buildings adjoining the Wall, and that the southern end of the Wall had existed before but was covered by buildings erected over time etc....

And in view of the prayer conducted by the Chief Rabbi of the Israeli Army, Brigadier Goren with some followers in the area of the Al-Aksa Mosque on 15 August 1967, and his statement that he intends to conduct other prayers in the area, and to build a synagogue there, on the pretext that it is some distance from the Al-Aksa Mosque, and Holy Dome of the Rock, and further his statement that the aforementioned area is part of Mount Mora, as alleged in Haaretz in its publication on 16 August 1967.

And in view of the statement by the Minister for Religion in a conference held by Jewish Rabbis for Jewish communities outside Israel in support of Jerusalem, which was held in the Hall of "The Suleiman Temple" in Jerusalem, and which was attended by the world Mizrahi party, representing Jewish communities in Britain, Canada, France and America, and in which the speakers included Dr. Samwel Yorsky, the Chief Rabbi of New York, and its Zionist leader, the Minister for Religion, and Dr. Mitchin, the Chief Rabbi in Britain.

And in view that the aforesaid statement of the Minister contained the following:

"The Liberation of Jerusalem has placed all the Christian Holy Places, and an important part of the Muslim Holy Places, under the province of Israel, and has returned to the Jewish their Holy Places. But Israel has

other Holy Places in East Jordan, and the Holy Mosque in Jerusalem, though Holy to other religions (referring to Islam) is a Jewish shrine, but we are not thinking at the present of building our temple there, though we will do all we can about it, and we will build all the Jewish Synagogues in the Old City and enlarge the area of Al-Baraw Wall as soon as possible.

"As to the Holy Ibrahimi Mosque, the Cave is a Jewish shrine which we have bought, in the same way we have bought the Holy Rock in the days of David and the Yabusins, and our rights in the Cave and the Rock are rights of Conquest and acquisition."

And in view of what was reported in a talk with the Minister for Religion in the 18 August 1967 edition of Haaretz that the Cave of Makfila and the Beraq Wall are Jewish by right of conquest and acquisition.

And in view of the far-reaching consequences of the above statements and actions for Jerusalem and the Holiest Muslim Shrines.

We, the Muslim Jurists, Ulama, and Mufties in Jerusalem and the rest of the West Bank in the Hashemite Kingdom of Jordan announce and declare the following rulings:

1. That the Al-Aksa Mosque and the blessed Ibrahimi Mosque are Muslim Mosques which are Holy to Islam.
2. That the Aksa Mosque is the first place towards which the Muslims turn their faces in prayer, and the third Holiest Mosque in Islam the pilgrimage to which is imperative on all Muslims according to the Hadith of the prophet, may God's blessings and peace be upon him as reported by the Imam Bakhari and others. (The pilgrimage of Muslims should be directed to three Mosques only, this my Mosque (the Prophet's Mosque) and Al-Aksa and Al-Haram Mosques.)

And that the blessed Al-Aksa Mosque was the terminal point of the Prophet's Holy journey, may God's blessing and peace be upon him, and the starting point of his Holy passage, and that it is imperative on all Muslims throughout the world to safeguard the sanctity of Jerusalem and the blessed Mosque with the same care they safeguard the sanctity of Mecca and its Mosque and protect it from aggression, so that the two terminal points of the Prophet's Holy passage are cared for and cherished, and seem to that easy access to those Mosques is guaranteed to all Muslims throughout the world.

God the most high has ordained; (Mighty is He who transported His Servant at night from El-Haram Mosque to El-Aksa Mosque which We have blessed, as We have blessed the area surrounding it) - from Surat Al-Isra.

3. That the Aksa Mosque referred to includes all the Mosque, which is the Mosque, the surrounding walls, and the doors, which today includes Al-Aksa Mosque, the Holy Dome of the Rock, and the adjoining area.

And that any violation of the sanctity of the area contained within the walls of the Holy Mosque is a violation of the sanctity of the Holy Mosque itself.

And that the jurists and historians have ruled that this area concerned extends 700 pics in length and 455 pics in breadth, whilst others maintained that the area was larger, because of the controversy over the principle of measurement used and the exact measure of a pic.

And that during the Mandatory period it was established after detailed study that the aforesaid area was 140 dunums and 900 metres.

References: Ibn Al-Fakih in 903 AD, Ibn Abd Rabboh Al-Andalusi in his book: Al-Ukd Al-Farid 913 AD, Al-Makdasi in 985 AD, and the Map of the Holy Mosque published in 1944 by the Survey Department, the British Mandate Government.

4. That the Jews have rights in the Wailing Wall established by the status quo and tradition, both during Muslim-Turkish rule and Christian Mandate Government, and that they had fully and freely utilized these rights until the Arab-Jewish war in 1948.

And that the Jews wished to expand these rights in 1929, causing bitter conflict with the Muslims and Arabs, leading to violence and revolution in 1929, and that, as a result of that bloody incident an official paper "The Western or Wailing Wall" was published in Palestine in 1931 by Britain following the resolution adopted by the League of Nations on 14 January 1930, and that this paper announced the appointment of an International Commission to consist of three non-British jurists, and that the Commission after the hearings from leading Muslim and Jewish lawyers, concluded the following ruling:

(a) That the Western Wall is exclusively Muslim property on which Muslims exercise right in rem, since it is contained within the area of the Holy Mosque which is Muslim Waqf, and that Muslims have rights of property over Al-Rasif, which stands before the Wall and before the area known as Moghrabi Quarter adjoining the Wall, since it is, according to Muslim jurisdiction, a Waqf property dedicated to charity.

(b) That the Jews have right of access to the Western Wall to conduct prayers and supplications subject to the following rules.

(c) To keep the door on the tip of the Southern Wall closed on certain hours but to respect the right of access and passage to Muslims on Al-Rasif as customary.

(d) To refrain from using the area before the Wall or its surroundings for speeches or political demonstrations of any kind.

Reference: Palestine Laws 1933, Fourth Volume, page 3397 and following in the Arabic translation editions.

And that this ruling has settled that Arab-Jewish dispute concerning this Holy Place, and has become an international document which has universal application, and under no circumstances should this dispute be allowed to arise again, in the same way that judicial ruling should settle any other dispute.

Thus the expansion in the area of the Wailing Wall is a violation of the right of Muslims in the Moghrabi quarter which is a Muslim Charity Waqf, and the intended expansion, reported in the Jerusalem Post, will imply the destruction of the adjoining corner to the Holy Mosque, and includes a Mosque amongst other houses and buildings, and the destruction of the Tankizi School, on the site of the old Muslim Jurisdiction Court, on which a Mosque, the Institute of Muslim Studies, and the office of the Muslim Conference stand, all of which belong to Muslim Charity Waqfs, and are historical sites which should not be tampered with or touched, and that the aforesaid intention violates Muslim rights and is in contravention to international laws.

5. That the rights of property over the Holy Rock and the Makfila Cave in the Holy Ibrahimi Mosque, established by old traditions and rulings after the passage of fourteen centuries during which the Muslims exercised these rights, are undisputed and that to dispute them is not permissible by any religious convention or rule, or any local or international law, and that to dispute these rights will subject personal and international rights to grave dangers, especially since the Muslims, on entry into this country after the Roman rule, have never violated the sanctity of the Temple or its relics but acted as custodians for Jews and offered them refuge from the aggression which they suffered throughout to non-Muslim world and that, finally, the site of the Temple has not been established categorically in any religious text, and is controversial issue amongst historians and archaeologists.

In view of all this, and following the juridical rulings and historical facts, we declare the following:

1. Any violation of any part of the area of the Holy Mosque is a violation of the sanctity and holiness of the Mosque itself.

2. That the Ibrahimi Mosque in Hebron, is a Muslim Mosque in its entirety, and that any violation of any part of the shrine is a violation of its sanctity.

3. That the area surrounding the Status of the Wailing Wall, which is the Western Wall to the Holy Mosque, has been settled in the International Ruling mentioned above, and published by the International Commission in 1931, as Muslim property, and this ruling is categoric and binding.

4. That to change the status quo in the Holy Mosque and the Ibrahimi Mosque, or to expand the area of the Wailing Wall is a blatant violation of the sanctity of the Muslim shrines, and constitutes a naked aggression which will have far-reaching consequences not only within the Muslim community in Jerusalem, but throughout the Muslim world and the international community.

5. That the Muslims offer free access to Jews and non-Jews to the Muslim holy places, subject to the condition that this access is treated with the behaviour and decency imperative in respecting the sanctity of these Holy shrines.

<u>Signed by:</u>	<u>Jerusalem, 22 August 1967</u>
1. Abd Al-Hamid Al Sayeh	Chief Jurist in the Western Bank and President of the Court of Appeal
2. Said Abd Allah Sabri	Chief Judge of Jerusalem and Member of the Muslim Institute
3. Suleiman Al Ja'bari	Religious Instructor in the Ministry of Education
4. Mustafa Tahbub	Chief Judge of Hebron
5. Wasef Abdo	Chief Judge of Jennin
6. Sufian Al-Khalidi	Chief Judge of Tulkarem
7. Abd Al-Hai Arafah	Mufti of Hebron
8. Rashad Al-Hilwani Tamimi	Member of Muslim Institute and Teacher at the Ibrahimi Mosque
9. Yasin Sadeq Al-Bakri	Imam and Teacher at the Al-Aksa Mosque
10. Abd El-Kader Abdeen	Teacher at the Aksa Mosque

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|---------------------------------|--|
| 11. Ahmad El-Khatib | Roving Preacher for the Ramallah area |
| 12. Yunis Abu Rab | Preacher for Jennin |
| 13. Fath Allah Salmudi | Preacher and Imam of Silwad Mosque |
| 14. Saleh El-Silwadi | From the Ulama |
| 15. Rateb Al Duwick | Chief Clerk in the Court of Bethlehem |
| 16. Hilmi Muhtaseb | Member of the Court of Appeal |
| 17. Said Eddin Alami | Mufti of Jerusalem |
| 18. Mohd. As'ad Imam Husseini | Chief Judge in Ramallah |
| 19. Jum'ma Al-Silwadi | Chief Judge in Nablus |
| 20. Rajab Bayood Tammimi | Chief Judge in Bethlehem |
| 21. Mohd. Said Al-Jamal | Assistant Chief Judge in Jericho |
| 22. Tawfiq Jarrar | Mufti of Jennin |
| 23. Jamil El-Khatib | Preacher and Imam of the Aksa Mosque |
| 24. Mohd. Khalil El-Takruri | Imam and Teacher at the Aksa Mosque |
| 25. Akramah Sabri | Teacher at the Muslim Institute |
| 26. Yousef El-Silwadi | Chief Preacher in Ramallah Area |
| 27. Mohd. Khalawi Jolani | Chief Preacher in Bethlehem |
| 28. Abd El-Sam'eh Hasan Rifa'ei | Imam and Preacher in Mosque of Bethlehem |
| 29. Mahmoud Al-Habeeh | From the Ulama |

ANNEX II

**DOCUMENTS SUBMITTED TO THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL BY ISRAEL AUTHORITIES**

A. Survey of Activities Undertaken by Government Ministries
to Implement the Reunification of Jerusalem

This survey summarizes the activities undertaken by the Government Ministries in charge of services and economics after the reunification of Jerusalem. These activities were primarily concerned with the renewal and establishment of vital services to the civilian population and the return to normal of economic and commercial conditions.

During this period preparations were also made for the expansion of government services, such as preparations for opening the schools for the new academic year beginning September 1, arrangements for introducing student medical services and opening of social welfare offices under the auspices of the Ministry for Social Welfare and the Jerusalem Municipality.

I. Activities of Service Ministries and the Jerusalem Municipality

1. Ministry of Health

a. Activation of Services

All health services functioning before June 5 have been reinstated with the former medical, administrative and maintenance staffs remaining at their posts under the supervision and professional direction of the Ministry of Health.

Because organisation and level of services are of a lower standard than those in Israel, the Israeli supervisory staff is working with the local employees to improve gradually the quality of services.

b. Institutions Operating

1. Government hospital with a 104 bed capacity.
2. Health Bureau which sponsors a general clinic offering basic medical services to the population without charge.

In addition to its role as a professional and administrative authority, the Bureau is also concerned with general questions of public health,

prevention of malaria, enforcement of work safety ordinances and registration of births and deaths.

3. A blood bank serving the city hospitals and, at present, the hospitals of the West Bank.

4. A central laboratory which provides services for the hospitals of the region (ramallah, Jericho, Bethlehem and Hebron).

5. A Tuberculosis Prevention Centre serving the city and the West Bank.

6. The Ministry assists the Mother and Child Welfare Stations by supplying midwives to some of the stations and granting other forms of aid according to need.

c. Health services functioning with the help of the Ministry of Health :

Jerusalem has six philanthropic-public hospitals with a 383 bed capacity. Attached to these hospitals are clinics offering ambulatory and consultative services. The Ministry of Health provides these institutions with laboratory and blood bank services, vaccines, etc.

d. The licensing of medical personnel is in process, on the basis of a list compiled by the Health Bureau.

e. Standard inoculation given to the Israeli population will be extended automatically to East Jerusalem residents.

f. The Minister of Health appointed a Commission to study East Jerusalem health services and submit a comprehensive health programme including recommendations on organisation and activities of health services and delineation of areas of responsibility of the various service bodies involved.

g. The Hospital Authority is at present examining the question of hospital facilities available in United Jerusalem, including those of East Jerusalem and Mt. Scopus.

/...

2. Ministry of Posts

a. Mail and Telegraph Service.

On July 5, 1967 the first East Jerusalem Post Office branch was inaugurated across from Herod's Gate. All branch workers are former employees of the Jordanian Postal Services. The branch is open 7 days a week and offers a complete range of postal services. These include telegram delivery to all of East Jerusalem, with the exceptions of Shufat and Beit Hanina where branches are to be opened shortly.

b. Telephone

After the East Jerusalem telephone system was repaired, the lines were connected to the national network on July 31, 1967. All services, including international connections, are now available in East Jerusalem. Some lines are still undergoing repairs, but the Ministry of Posts hopes to have the entire network completed within 4 weeks.

3. Ministry for Religious Affairs

a. Activities of the Department for Moslem and Druze Affairs.

This Department is in contact with the various Moslem institutions in East Jerusalem, including the Shari's Court of Appeals, the Shari'a Kadi, the School for the training of Religious leaders and the administrators of the Moslem religious sites.

The Ministry for Religious Affairs has allotted the sums requested by the Moslem leaders to pay the June salaries of their employees.

The Minister for Religious Affairs has met with the Moslem Kadi to discuss various problems concerned with the Shari'a Courts. Arrangements have been made to continue with the repair work at the al-Aksa Mosque.

In response to the request of the Kadis, and in consultation with them, an agreement concerning visits to the Moslem Holy Places has been reached.

b. Activities of the Department of Christian Affairs.

Immediately after the cessation of fighting, contact with Church leaders residing in East Jerusalem was resumed. It should be pointed out that most of the Jerusalem Patriarchs and Bishops remained in communication with the Ministry for Religious Affairs over issues including the unification of Jerusalem during their visits to Church institutions in Israel.

The Ministry assisted the Church leaders with such problems as war damages, exemption from taxation, travel permits and documents for travel abroad.

In consultation with Christian leaders, arrangements were made concerning access to the Christian Holy Places.

The Ministry for Religious Affairs, in cooperation with the Police and the Ministry of Labour, cleared the approach to the Western Wall. Necessary improvements of paths leading to the Wall have been made, as well as plans for the paving of existing and constructing of new approaches.

4. Ministry of Education and Culture

a. Children and Schools

Establishing of compulsory kindergartens -

The Jordanian Compulsory Education law does not include kindergarten attendance for children above the age of five. To remedy this, the Ministry of Education and Culture has prepared a programme for the gradual introduction of compulsory kindergarten education and the establishment of such kindergartens. At the commencement of the 1967 academic year, parents will be informed of the opening of kindergartens attached to government elementary schools as is done in the Arab schools in Israel.

During the coming academic year, the Ministry of Education will retain the educational structure prevailing in East Jerusalem before the War. Accordingly, Junior High School comprises the 7th, 8th and 9th years of schooling, the Ministry will administer examinations for passing into the 10th grade as was done under the Jordanian regime, and will set graduated school fees for the 10th, 11th and 12th years.

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The Ministry of Education has made arrangements to retain the teaching and administrative staff formerly employed by the Jordanian Government. Nine former officials of the Regional Education Office of Jordan are assisting with the necessary preparations for the opening of the academic year.

b. Department of Antiquities and Museums

Immediately after the War, the Department of Antiquities and Museums was entrusted with the responsibility for the Rockefeller Museum and its collection. The Department immediately began examination of the exhibits and has taken the necessary steps to safeguard the building and collections. Though the building and some of its exhibits were damaged during the war, the museum was reopened to the public on July 11, 1967. The Dead Sea Scrolls which were removed to safety before the fighting were found. A number of former Jordanian employees have resumed their work at the Museum.

Archeological work in East Jerusalem has been renewed; and, Kathleen Kenyon, the British archeologist, has resumed with her 4 excavations in East Jerusalem.

5. Ministry of Police

The activities of the Ministry of Police may be divided into two major periods ;

- end of hostilities until reunification (June 29, 1967);
- from reunification onward.

During the first stage, the police was primarily occupied with assisting the military forces in protecting the historical and holy sites, preventing looting, directing traffic, supervising traffic between the two sectors of the city, etc.

With the transfer of Jerusalem from military to civilian responsibility, the police were given the task of controlling traffic to the Holy Places. To date 36 local policemen and officers have been hired out of a total of 100 planned to be added to the Israeli Police Force. Former regional

police personnel are now working with the Israeli force. Thirty policemen will be placed at the Church of the Holy Sepulchre, the Mosques of Omar and al-Aksa and the Western Wall.

6. Ministry of Justice

The Ministry has taken over the existing Land Register Books in order to allow continuation of land transactions.

According to regulations promulgated by the Minister of Justice, East Jerusalem lawyers may continue to practice without the need of additional examinations.

7. Ministry for Social Welfare

The Ministry for Social Welfare conducted a study of welfare institutions in East Jerusalem to facilitate continuation of their food distribution activities. In coordination with the Juvenile Court and the Police, arrangements were made for probation Officers to continue their work with children under their care.

In coordination and cooperation with the Jerusalem Municipality, the Ministry is basing its activities upon the following :

Continuation of welfare payments at their previous standard, to persons deemed needy by the Jordanian Government;
Registration of new welfare cases since the War;
Opening of a Welfare Bureau in the Old City;
Employment of 5 former Jordanian welfare workers who previously served in East Jerusalem.

The Regional Bureau of the Ministry of Social Welfare and the Municipal Social Department are drawing up a programme for the gradual improvement of welfare services to the level in West Jerusalem.

8. Ministry of Labour

a. Surveys of the various areas within the Ministry's sphere of responsibility are being carried out. These cover cooperative enterprises,

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vocational education institutions, industrial plants, trades, services and labour relations. With completion of the surveys in the near future, a comprehensive programme of activity will be formulated.

b. Legal aspects concerning the labour situation are being studied -- for example, corporations which were registered under Jordan as cooperative societies, or labour contracts which were registered as collective agreements.

The Ministry will make special budgetary allotments for implementation of its services in eastern Jerusalem.

d. Services offered to the public :

1. A Labour Bureau was opened which operates according to the 1959 Labour Services Law and handles registration of job-seekers, centralization of requests for labour and notification of suitable job-seekers and provision of relief work.

2. Establishing contact with employers (governmental and public bodies during the first stage) to bring to their attention the responsibilities of employers toward their workers and the work-safety regulations (work accidents, building activities, overtime-work hours, etc). The distribution of such information has already started, though communication problems related to the difference between the spoken and written language have arisen.

3. Investigations of work accidents and safety-inspection visits have begun.

4. The Ministry's Public Works Department is executing the following :

Building for the Ministry for Religious Affairs near the Western Wall;

Repairing of the Church at David's Tower;

Repairing of war damage to the Rockefeller Museum;

Completing of government hospital (at Sheih Jarra);

Repairing of war damage to Old City Walls near Damascus Gate;

Constructing of Post Office;

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When possible the Department responds to request from various government ministries (Toursim, Prime Minister's Office, etc.) and at present is negotiating with UNRWA concerning work on their buildings.

9. Ministry of the Interior

On June 26, 1967 a census was taken by the Ministry of the Interior, in cooperation with the Central Bureau of Statistics.

The Ministry has opened a Bureau for registration of citizens and offering necessary services, principally distribution of identity cards.

10. Ministry of Transport

a. After a survey, the Ministry of Transport issued new automobile and drivers licenses (private and commercial vehicles) to East Jerusalem residents. With the exchange of licenses, third person liability insurance was also arranged. The Ministry is preparing qualifications regulations for public transportation.

b. Licenses for operation of buses in East Jerusalem have been issued. Permits are valid for a three-month period, until vehicles are inspected and the traffic schedule organized.

c. The Ministry has made the necessary arrangements for testing all vehicles in the city.

d. The Ministry is conducting a survey of all automobile owners in East Jerusalem. When the survey is completed, the Ministry will decide upon issuance of licenses to East Jerusalem residents, according to the criteria applied in West Jerusalem.

e. The Ministry has permitted the operation of two car rental agencies and, in coordination with the Ministry of Tourism, of touring cars.

f. The Minister of Transport appointed a Commission to study transportation problems resulting from the reunification of the city. The Commission's recommendations will be implemented by the Ministry of Transport, in cooperation with the Ministry of Finance and the Jerusalem Municipality.

II. The Jerusalem Municipality

With the decision to reunite Jerusalem, the Municipality extended all its services to East Jerusalem, though, in reality, vital services were provided immediately after the War.

a. Municipal Services

The Supply of water, the most important municipal service, was resumed with the connection of the water networks of both parts of the city shortly after the War ended. The water allotment of East Jerusalem was increased and a plan for further expansion of the water supply is being executed. The Jerusalem Municipality accepted responsibility for the maintenance of its water sources though these lay outside the municipal area. The Municipality also improved and repaired the water supply system in the villages within her jurisdiction (Shufat and Sur Bahar).

Sanitation and Public Health services were considerably expanded and the Municipality ordered new mechanized equipment and trash containers. The Public Health Department conducted anti malaria examinations and improved municipal health installations.

The Central Bus Station has been repaired and the fire-fighting services reorganised.

The Municipality is devising a plan for those areas which were previously "no-man's-land". As the first step, it has torn down several structures and cleared roads for passage between the 2 parts of the city.

b. Reorganisation of Administration in the United City

1. Municipal departments have been merged and their employees have joined the unified departments. The Departments of Public Health and Sanitation and Municipal Supervision have moved to the East Jerusalem Municipality building.

2. Former employees whose jobs were eliminated by the department mergers were placed in a "pool" and efforts are being made to find them other employment.

3. Absorption of workers in government services transferred to the municipality has begun (education, welfare, public health).

4. Labour procedures and registration rules have been set.

II. Activities of Government Ministries concerned with Economic Conditions

1. Ministry of Finance

The Ministries of Finance and Commerce and Industry are working toward the resumption of normal economic activity as rapidly as possible. The Foreign Currency Department has instituted the procedures necessary to handle the requests of East Jerusalem residents. Sections of the Foreign Currency Act are being translated into Arabic, particularly those dealing with tourism in order to facilitate resumption of tourist activities in Jerusalem. The Income Tax and Import Tax Departments have also take all necessary action to permit normal functioning within their spheres of responsibility.

2. Ministry of Commerce and Industry

The Ministry of Commerce and Industry is conducting a survey of trade in East Jerusalem. The Ministry is in contact with the Jerusalem Chamber of Commerce which has a membership of 1,500. Ministry controllers have visited factories and workshops and have advised their owners on such subjects as acquisition of raw materials, import licenses, etc. Food wholesalers are being informed that they must hold permits from the Ministry in order to continue their trade.

3. Ministry of Tourism

The Ministry surveyed and registered all persons connected with tourism in Jerusalem. Representatives of the Ministry met separately with all those involved in the tourist industry in order to gather information and clarify existing problems.

a. Hotels

A general survey of hotels was conducted, including establishing the number of rooms and level of services offered. Once hotels were classified according to the system prevailing in Israel, they were permitted to accept tourists. Hotel owners met with Ministry officials and

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decided upon price levels, which were then published in Israel and abroad. The Ministry of Tourism is processing requests for loans for hotel renovations. Negotiations on the Inter-continental Hotel have been concluded and management will pass to the company within a few days.

b. Publications

A new map of Old Jerusalem and a pamphlet on Christian and Moslem Holy Places have been published, as has a booklet on the Jewish Holy Places. A revised pamphlet on Jerusalem is in the final stage of execution and a new publication on Christian pilgrimage is being prepared.

c. Travel Agencies

Temporary permits have been issued to travel agencies which will gradually be exchanged for permanent licenses once the agencies fulfill the Israeli requirements.

d. Tourist Guides

East Jerusalem guides will be able to escort tourists on the basis of a temporary permit. To receive the permanent license, a guide is required to undergo instruction according to existing regulations.

e. Stores

Registration of East Jerusalem stores is in process.

f. Tours

Tours which include all the historical and holy places of the three religions have been organized.

August 25, 1967

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**B. Activities Report of the Joint Municipality
in East Jerusalem - July 1967**

Municipal services have been in full operation since 29 June. In fact, they began to function right at the beginning of June, when the municipality was acting as the agent of the Military Government. In providing the services, the following principles were observed:

- a. Union of the two parts of the city.
- b. Equalisation of services.
- c. A standard of services compatible with the needs of the capital of Israel.

The municipality did not confine itself to the services which it is required by law and custom to supply. It also dealt with such other matters as care of refugees, repairing war damage, tackling economic and employment problems, transportation, and the safeguarding of the Holy Places.

I. Plans, Surveys and Coordination

1. A provisional programme of activities and a draft budget has been drawn up. After the financial committee had reviewed the draft budget, it was submitted to the Ministry of Finance and the Ministry of the Interior and by the end of the month items of its several sections - an ordinary, extraordinary and a development budget - were generally approved.
2. A Population and Housing Census was carried out to gather the data necessary for planning municipal operations and drawing up the tax assessment schedule and the overall system of taxation.
3. A Business Census is being planned for the purposes of statutory commercial taxes and licensing processes.
4. Meetings were held with institutions interested in statistical material, and Jordanian statistical sources, dispersed as a result of the War, were located.
5. Meetings were also held with organs interested in physical and mapping data and again Jordanian sources of information were located and made available.

6. A survey of municipal lands and buildings was conducted and an inventory drawn up. The former municipality's assets and liabilities, were checked, contracts and the system of taxation were examined.
7. A water supply scheme, to be operated until 1969, was prepared.
8. The Falk Project for Economic Research was asked to prepare a medium-term economic, social and cultural development plan, and a "brains trust" was assembled to help the planners in their work.
9. A commission of sculptors and painters, architects and graphic artists was set up to draft directives for "street furnishings" in the Old City such as street signs and lighting.
10. A survey of school premises was conducted with a view to opening the new school year in September.
11. A transport survey was carried out and road building priorities were determined in the light of transport problems arising out of the unification of the City.
12. The municipality was represented in planning teams formed to restore the Jewish quarter of the Old City.

II. Administrative Reorganisation

1. The unification of Departments and the redistribution of workers were completed. The Sanitation and Street Cleaning Department and the Municipal Inspection Department were shifted to the Old City municipal offices.
2. Workers were integrated into Departments; those awaiting integration have been placed in a "pool" and efforts are being made to find suitable employment for them.
3. Integration was begun of Old City civil servants in municipal departments such as education, social welfare, and public health.
4. Work and registration procedures were laid down.

III. Municipal Services

1. **Street Cleaning and Sanitation - Garbage-disposal was partly rationalised and mechanised.** Over 150 people were taken on in this department. New mechanical equipment, garbage containers and dust-bins were ordered. The Sanitation Department of West Jerusalem carried out anti-malarial tests and found many anopheles-infested drains. The abattoir is being overhauled and the garbage dump has been transferred to an empty site east of Amgat.
2. **Maintenance of Public Property - Damaged street lamps were repaired and part of war-damaged roads; public parks were put in shape again and repairs of the central bus terminal were started.** The fire brigade was re-organised and a temporary station set up at the airport.
3. **Town Planning - The demolition of buildings in the former no-man's land was completed.** Rubble was cleared away, and dividing barriers were taken down in the Jaffa, Mamilla, St George, Hebron and Bethlehem roads, and Pope's - Mount Zion-Gate Road, and in a temporary track next to Suleiman Road, all of which are now open to traffic. Traffic regulations have been laid down and entry of vehicles into the Old City is barred.
4. **Stores and Supplies - The municipal stores were transferred to suitable buildings in the eastern part of the City.**
5. **Municipal Inspection - Inspection of compliance with municipal by-laws began.** At first, municipal inspectors were posted at the entrances to the El Aqsa mosque and the Church of the Holy Sepulchre to ensure that visitors behave with due respect, but the Police are now in charge.
6. **Miscellaneous - Hebrew names were given to twenty-two streets in the Old City.** The by-laws of West Jerusalem were translated into Arabic.
7. **Tourism - The Citadel is being cleared so that it may be opened to the public.** A Tourist Information Office run by the municipality and the Ministry of Tourism jointly has been opened at Jaffa Gate. The Cave of Zedekiah is under preparation for tourists' visits. Plans for a "son et lumière" spectacle are under way.

The municipality has attended discussions between the Ministry of Tourism and the agencies and parties concerned to deal with the problems of the tourist industry.

8. Water - The networks of the two parts of the city were joined and the amount of water supplied to East Jerusalem was greatly increased. Expansion of the system in East Jerusalem is proceeding according to an approved development programme; consumers were registered and meters are being installed. Besides current maintenance of the sources outside the city - Ein Farrah, Ein Fuar, Ein Kelt and Solomon's Pools - the supplies to the villages of Shaafat and Tsur Baher, which are under municipal jurisdiction, were repaired and improved.

IV, National Services

1. Education and Culture - The necessary arrangements were made in coordination with the Ministry of Education and Culture for the commencement of the school year on 1 September. Buildings were prepared, furniture was examined and textbooks were ordered. Meetings were held with the administrative staff and school inspectors, and the public libraries were checked.
2. Youth and Sports - A basketball match has already taken place between teams from East and West Jerusalem.
3. Social Welfare - The Social Welfare Department are to begin operations shortly; funds and instructions are awaited from the Ministry of Social Welfare.
4. Public Health - Preparations were made for school health services to be extended once the new school year begins. Ten nurses and two doctors will be required. It is also proposed to open at least two Mother-and-Child Clinics in East Jerusalem, and one in Silwan.

V. Public Relations

Meetings between corresponding professional and social organizations in East and West Jerusalem were arranged, and meetings and tours in the villages

incorporated within the municipal bounds were held. Contact was maintained with ecclesiastical and other organizations principally to assist them in repairing war damage that may have been caused to their buildings. The mayor and his officers made the acquaintance of the new Arab employees of the municipality at a special meeting.

Steps were taken to obtain loan funds for commercial enterprises suffering from a shortage of working capital. Workers referred to the municipality by the Labour Exchange were employed on relief allocations.

ANNEX III

LIST OF PERSONALITIES INTERVIEWED BY THE PERSONAL REPRESENTATIVE
OF THE SECRETARY-GENERAL

Israel officials and other personalities

Mr. Levi Eshkol, Prime Minister of Israel
Dr. Y. Herzog, Director of the Prime Minister's Office
Mr. Abba Eban, Minister for Foreign Affairs
Rabbi Warhaftig, Minister for Religious Affairs
Mr. A. Levavi, Director-General, Ministry of Foreign Affairs
Mr. A. Lourie, Acting Director-General, Ministry of Foreign Affairs
Mr. Y. Tekoah, Deputy Director-General, Ministry of Foreign Affairs
Mr. Teddy Kollek, Mayor of Jerusalem
Mr. J. Gadish, Director of the Arab Department at the Ministry of Education
Mr. D. de Shalit, Ministry of Tourism
Mr. I. Zuriel, Ministry of Tourism
Ambassador A. Chelouche, Director of the Economic Department at the
Ministry of Foreign Affairs
Mr. Menashe Eliachar, President of the Chamber of Commerce
Dr. Carpas, Acting Director of Hadassa Hospital
Mr. Raphael Levi, Assistant District Officer

Arab personalities

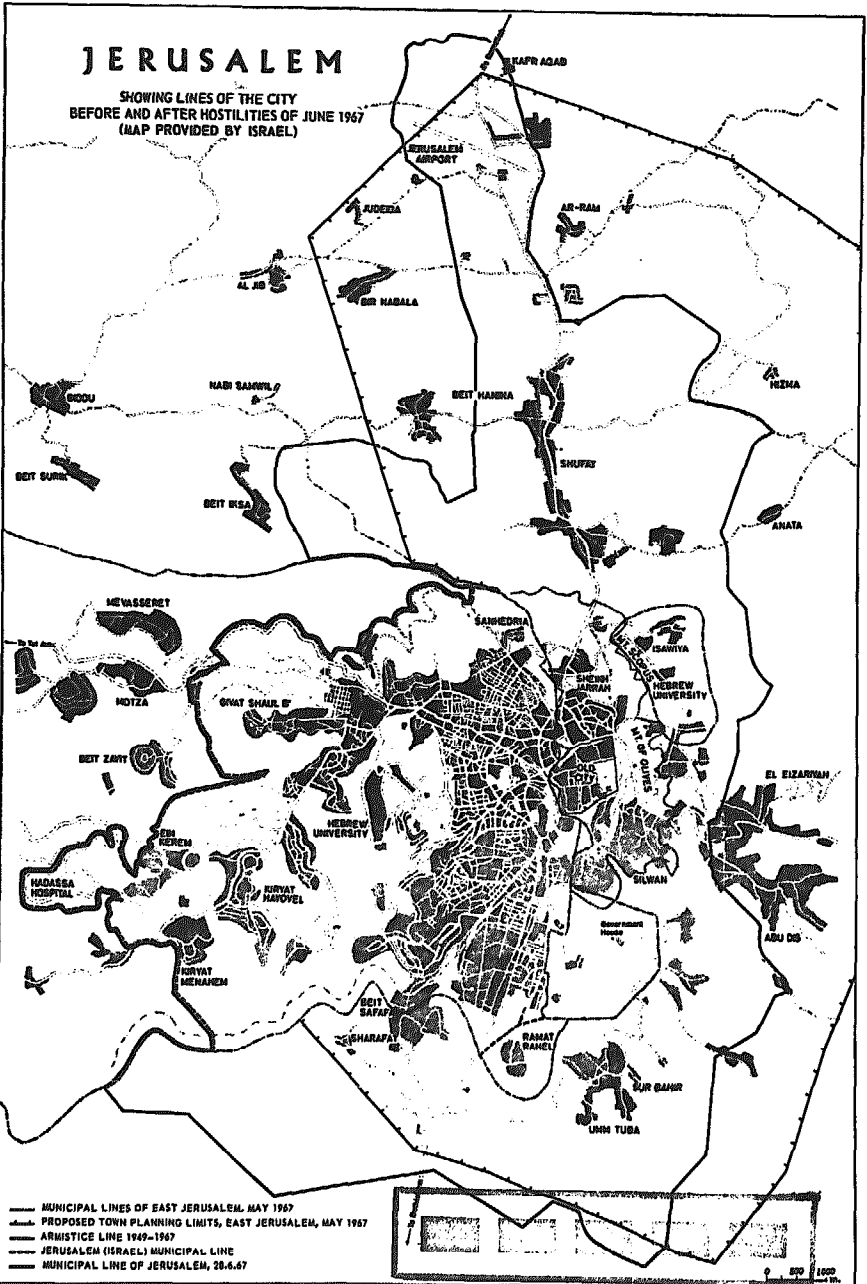
Abd Al-Hamid Al Sayeh, President of the Sharia Court of Appeal
Hilmi Al-Muhtaseb, Member of the Sharia Court of Appeal
Sa'ad El-Din Alami, Mufti of Jerusalem
Mr. Anwar Zaki Nusseibeh, Lawyer, Member of Parliament for Jerusalem,
ex-Minister of Defence, and former Jordanian Ambassador to London
Mr. Anton Attallah, Senator and former Minister for Foreign Affairs
Mr. Rauhi al-Khatib, Mayor of East Jerusalem
Dr. George Farah, Director of Augusta Victoria Hospital
Mr. Ayoub Musallam, ex-Minister, ex-Mayor of Bethelam
Mr. Hassan Abdul Fattah Darwish, ex-Member of Jordanian Parliament
Mr. Jalil Harb, Cinema and hotel owner

Religious authorities

Rabbi Y. Untermann, Chief Rabbi of Israel
Patriarch Benedictus of the Greek Orthodox Church
Patriarch Cori of the Latin Church
Patriarch Deridian of the Armenian Church
Monsignor Sepinski, Apostolic Delegate
Archimandrite Antony, Head of the Russian Orthodox Mission in Jerusalem .
Archbishop McInnes of the Church of England
Abbot Rudloff (Benedictine), Dormition Monastery
Bishop A. Yossef of the Abyssinian Church
Bishop Bazileus of the Coptic Church
Bishop Qubaïm (Arab) of the Anglican Church
Bishop Elias Ziadé of the Maronite Church
Monsignor Naoum, Syrian Catholic Church
Father Joseph Alliot (Franciscan), First Assistant to the Custodian of
the Holy Land

JERUSALEM

SHOWING LINES OF THE CITY
BEFORE AND AFTER HOSTILITIES OF JUNE 1967
(MAP PROVIDED BY ISRAEL)





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ASSEMBLY RESOLUTION 2252 (ES-V) AND SECURITY
COUNCIL RESOLUTION 237 (1967)

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INTRODUCTION

1. By its resolution 237 (1967) of 14 June 1967, the Security Council called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place and to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities, recommended to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war contained in the Geneva Convention of 12 August 1949, and requested the Secretary-General to follow the effective implementation of the resolution and to report to the Security Council. This resolution was later welcomed with great satisfaction by the General Assembly in the latter's resolution 2252 (ES-V) of 4 July 1967.
2. On 6 July the Secretary-General appointed Mr. Nils-Göran Gussing as his Special Representative to obtain for him on the spot the information required for the proper discharge of his responsibilities under the above resolution of the Security Council.
3. An interim report on Mr. Gussing's activities was submitted by the Secretary-General to the Security Council and the General Assembly on 18 August (A/6787, S/8124). The annual report which the Commissioner General of UNRWA will submit shortly to the General Assembly on his activities is of course related to some aspects of the work of Mr. Gussing. The present report is based on the information contained in the final report of Mr. Gussing to the Secretary-General.

I. MISSION OF THE SPECIAL REPRESENTATIVE

4. The Special Representative's mission was both complex and difficult. His main task was to report on conditions affecting civilian populations and prisoners of war in the aftermath of the war. The main subjects to be looked into were in themselves delicate and wide in scope. They were: the situation of the population in areas now under Israel control; the measures taken to shelter and to facilitate the return of those who had fled; the treatment of prisoners of war and the protection of civilians.

5. This task involved extensive travel in an area where itineraries are often complicated by the absence of direct communications between the countries concerned. The gathering of accurate information is not easy in a period following active hostilities and when communications and administration are upset and strong tensions and emotions prevail. Some of the information received was contradictory and difficult to verify. Moreover, the time at the disposal of the Special Representative was very limited because of the obligation of the Secretary-General to report to the General Assembly without undue delay. It was not expected therefore that he would or could undertake to investigate the large number of individual complaints submitted either to the Secretary-General or directly to the Special Representative himself.

6. In the light of these considerations, the Special Representative has concentrated on obtaining an over-all view of the situation and of the main problems which face the groups of the population affected by the recent hostilities with which he was particularly concerned.

7. The Special Representative's main activities during his time in the Near East were:

(a) Obtaining through travel and field visits (an itinerary of his travels is attached as annex I) to the maximum extent possible a direct impression of the areas where hostilities had taken place, and of their inhabitants, as well as of the condition of displaced persons elsewhere;

(b) Meeting government officials at the highest level of central government as well as at the level of province, district and local administration;

(c) Meeting spokesmen of the local populations, of refugees, and of detainees;

(d) Meeting representatives of United Nations agencies and offices with direct knowledge of the areas and populations involved, in particular, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the United Nations Children's Fund (UNICEF), the United Nations Truce Supervision Organization in Palestine (UNTSO), the United Nations Development Programme (UNDP) offices, and the United Nations Economic and Social Office in Beirut (UNESOB);

(e) Meeting representatives of other international agencies working in these areas, in particular, the International Committee of the Red Cross (ICRC) and a number of voluntary agencies.

8. During his visits to the Governments in the area, opportunities have arisen to discuss solutions to urgent problems, such as the return of displaced persons. The presence of the Special Representative has also served to remind displaced persons, prisoners of war and the population of occupied areas that their problems are a serious preoccupation to the United Nations and that efforts are being made to alleviate their hardships.

9. The Special Representative received excellent co-operation at all levels in the countries he visited. He was allowed full freedom of movement and given every assistance, such as transportation and the necessary arrangements for visits. Nevertheless, when travelling officially, in all the countries concerned the Special Representative met with spokesmen of the civilian population, displaced persons, prisoners of war and local authorities only in the company of representatives of the Government. Particularly in the occupied areas it would have been of great psychological importance and would have provided for franker exchanges for the Special Representative and for the people to whom he spoke if he had had the opportunity to meet and talk without witnesses to whomever he wished. This view was conveyed to Israel government representatives, but without result.

10. Although the Special Representative visited Jerusalem, he was not able to pay the same attention to this city as he was to other areas, nor was it necessary for him to do so in view of the appointment by the Secretary-General of a Personal Representative to gather information specifically on the situation in Jerusalem (see A/6793, S/8146).

11. The ICRC, in a spirit of full understanding and co-operation, has acquainted the Special Representative with the work of the ICRC representatives in the Near East area in so far as that work related to aspects of Security Council resolution 237 (1967) for which the ICRC traditionally takes direct responsibility. On the basis of the Special Representative's direct observations in the Near East, the Secretary-General wishes to express his great appreciation for the untiring and selfless efforts of these representatives in their difficult and delicate task, aimed at reducing human hardship and suffering wherever possible.

12. The Special Representative has advised the Secretary-General that he received excellent co-operation from the representatives of the United Nations and other international organizations referred to above, particularly from UNRWA. This co-operation greatly assisted him in carrying out his task. The Special Representative has also reported the great efforts being made in all the areas he visited by a large number of international and national voluntary agencies to provide humanitarian assistance to the civilian populations and to refugees uprooted because of the war and living often under miserable conditions in temporary shelters, and not infrequently without any shelter at all. This combined effort of so many different organizations, which has greatly contributed to a reduction of the human suffering in the wake of the war, is much appreciated.

13. The Secretary-General takes this opportunity to express his warm appreciation to Mr. Gussing, who has already served the United Nations with distinction on two previous occasions, and to his two collaborators, Mr. Hubert Morsink and Mr. Robert Prevot, for having gathered under trying circumstances the extensive information which constitutes the basis of this report. The Secretary-General also expresses his sincere thanks to the United Nations High Commissioner for Refugees for making Mr. Gussing's services available.

II. SAFETY, WELFARE AND SECURITY OF THE POPULATION
IN AREAS UNDER ISRAEL CONTROL

A. Syrian area

General situation

14. In south-western Syria an area of some 80 kilometres long and 35 kilometres deep is at present under Israel military control. The original population, assumed to have been some 115,000 according to Syrian sources, and some 90,000 according to Israel sources, included 17,000 Palestinian refugees registered with UNRWA. At the time of the Special Representative's visit, this entire population had left the area, except for some 6,000 Druses living in agricultural villages and for some 250 other civilians living mainly in the town of Kuneitra.

15. In most of this area, villages were empty, without a human being or animal left. For instance, in the village of Kafr-Nafagk, composed of primitive houses built of black basalt stone, sometimes with a complement of concrete, which the mission visited, there was no sign of life. The town of Banias was in ruins and the near by archaeological site was undamaged and was attracting Israel tourists.

16. In the main town of Kuneitra only a handful of local inhabitants were seen in the streets. Of an original population of 20 to 30,000, some 200 civilians, mostly old people and women and children, had remained, some of them carrying on such activities as work for different military services, road repairs and town cleaning. The military authorities had regrouped these remaining inhabitants in the so-called Christian quarter of the city and had appointed from among them a Mukhtar (local government officer). The Israel authorities informed the Special Representative that they provided the civilian population with the necessary day-to-day assistance. The Mukhtar told the Special Representative during a meeting which was also attended by an Israel officer that the civilian population was satisfied with their present treatment.

17. Entirely different was the feeling of active life and peaceful existence in the Druse* villages. During the hostilities the Druse population of the occupied area had assembled in one village, and after the hostilities had ended they returned to their original villages. The Special Representative visited the

* Adherents of a religious sect of Moslem origin, living mainly in agricultural communities in mountaineous areas of Israel, Lebanon and Syria.

prosperous fruit-growing Druse village of Majd-el-Shamsh. The villagers stated that the Druses had not wanted to leave their area because it had not been touched by military operations, because they did not want to lead the life of refugees, and also because in line with their religion and tradition they wished to keep their lands to safeguard their identity and dignity as a community. The Israel authorities had already made efforts to improve their living conditions by fulfilling requests for food and clothing, by setting up a medical clinic in the village, by resuming postal services, by introducing a telephone exchange and by promising assistance in food production and in the marketing of agricultural products.

18. The entire occupied area had been placed under Israel military administration. The military authorities were assisted in their civilian tasks by representatives from various ministries, for instance those dealing with finance, road repairs and transport. The military governor of the area had a budget obtained from different ministries and in line with the specific projects envisaged. These projects were co-ordinated at a higher administrative level.

19. In letters to United Nations bodies and in discussions with the Special Representative, officials of the Syrian Government listed numerous complaints regarding alleged violations of humanitarian principles by the Israel occupying forces: these complaints, which for the most part could not be investigated individually by the Special Representative, have not therefore been verified by him. They may be grouped into the following categories:

(a) Atrocities committed by the Israel forces, such as the torture of civilians, killing of civilians after they had been forced to say that they were members of the Syrian army or because their sons were in the Syrian army, shooting of prisoners, execution of young men, in particular, those carrying the service-to-the-flag booklet;

(b) Capture of nationals suspected of having participated in the 1948 war, of innocent civilians in several villages - in particular, of men under thirty-five years of age in one village and of patients in another;

(c) Rape of women and young girls and assault and insult of religious dignitaries;

(d) Neglect of wounded and of children separated from their parents;

(e) Intimidation and frightening of the population by such acts as indiscriminate shooting, burning of fields and killing of people in front of other people;

(f) Efforts to expel the population from certain villages; deportation of all civilians who had once served in the army and of all able-bodied Syrian young men;

(g) Indiscriminate looting of all houses and shops in Kuneitra; seizure of cattle and flocks of sheep. Looting, through excavation, of the historic site of Banias;

(h) Destruction of several villages with dynamite and bulldozers after the hostilities had ended. (Among the places mentioned are Banias, Jbeita-el-Zeit, Kfar-Harim and Nukheila.) The last such destruction allegedly took place on 13 July;

(i) Starvation of the population.

20. It should be noted that the complaints grouped under categories (a) through (d) above refer essentially to situations which may have prevailed during the period of active hostilities or immediately thereafter, and therefore would have required detailed on-the-spot investigation for each particular case. Some of the complaints grouped under (e) through (i) refer more directly to events and situations which allegedly continue to occur up to the present day. In letters to United Nations bodies and in discussions with the Special Representative, officials of the Israel Government have rejected these allegations.

Civilian population in the occupied area

21. In order to assess the conditions relevant to the safety, security and welfare of the population, the Special Representative heard the views of a wide range of persons in both Syria and Israel, visited the refugees in their temporary shelters in Syria, and made a tour of the occupied area. During this tour, on 7 and 8 August, the Special Representative was able to visit the towns of Kuneitra and Banias, and to observe, on the spot or through field glasses, the present conditions of the Arab villages of Kafr-Nafagh, Nukheila, Kfar-Hareb, Tawfik-el-Foka and Skopia and of the Druse village of Majd-el-Shamsh.

22. These field visits have enabled the Special Representative to gather a general impression of the situation now prevailing, to obtain an over-all perspective in viewing this situation, and to look into a number of selected issues affecting the security and welfare of the population in the area during the period following the cessation of active hostilities. Several aspects of Israel policy in the occupied area were looked into in more detail by the Special Representative during his visit. They are: the alleged systematic efforts to expel its entire original population from the area; the alleged wide-scale looting and the alleged demolition of entire villages after the cessation of hostilities.

Movement of population

23. Israel sources claimed that already around 6 June (at the beginning of the war, but before the Israel forces moved into Syrian territory) wealthy persons and government officials had started leaving the area. Once active hostilities reached the area, the population started moving out en masse. With regard to this population movement, the Israel authorities put forward the view that as a result of the widely publicized Syrian intentions concerning the fate of the civilian population of Israel in the aftermath of an Arab victory, the Syrian civilian population feared a similar fate at the hands of the Israel forces. Israel spokesmen also claimed that the Syrian Government at that time had sent messages warning the local population not to fall under Israel control and to move out of the area. However, no proof of this claim (e.g., records of monitored radio broadcasts) was given. Some persons may have left for practical reasons such as the desire to retain the possibility of receiving pensions or remittances from Syria.

24. While there were strong indications that the majority of the population had left before the end of the hostilities, reports were conflicting (or, least, not entirely mutually supporting) as regards events after that period.

25. The Special Representative found it difficult, in such circumstances, to determine the line between physical and psychological pressure. It is equally difficult to ascertain to what extent an occupying force is responsible for the interpretation which a local population may put upon its actions. This issue has to be viewed in the context of prevalent feelings of hate, apprehension and panic in the area.

26. Reports made available to the Special Representative indicate that the local population felt frightened by incidents such as shooting in the air, or the rounding up of civilians, or in one case by the staged repetition (without prior warning and for the purpose of a film production) of how a city was occupied by the Israel army. As late as 29 August the Special Representative was informed by the Syrian Government that seven or eight persons who wished to remain in Kuneitra had recently been forced to leave that city and been expelled over the border. Allegedly the Israel Government had later agreed that these particular refugees should be allowed to return to Kuneitra.

27. The Special Representative felt that it was likely that many such incidents had taken place and that the Israel forces had not viewed unfavourably the impact of such incidents on the movement of population out of the area. At no point during discussions on this subject was the Special Representative ever informed of any action taken by the Israel authorities to reassure the population.

28. Whatever the policy of the Israel Government may have been as regards the population, it seemed clear to the Special Representative that at the local level certain actions authorized or allowed by local military commanders were an important cause of their flight.

29. There are indications that providing reassurance to the frightened population could have been of great importance. Officers of UNTSO informed the Special Representative that after the creation of United Nations Observation Posts people came back, closely following the movement of United Nations military personnel. (On the Syrian side of the observation line the Syrian military command did not stop civilians from approaching the buffer zone and seems to allow them to return freely.) Furthermore, in spite of the fact that United Nations Observers had advised the population against working in the fields in the buffer zone, some individuals continued to try to do so, most probably feeling reassured by the United Nations presence.

30. At the time of the Special Representative's visit, several persons, Syrian and non-Syrian, were held in detention in Kuneitra, including some Israel soldiers sentenced to imprisonment for looting. During his visit and in his presence, a recently arrived team of the International Committee of the Red Cross obtained confirmation by the military governor of the permission for the ICRC to visit the

detainees in prison, who had already been visited by their predecessors. Since then Lebanese civilians among those detained in Kuneitra have been returned to their homes in connexion with the exchange of prisoners of war.

Looting

31. Although reports from Israel sources indicate that Kuneitra was taken without fighting, the Special Representative observed all over the city that nearly every shop and every house seemed to have been broken into and looted. A visit to one apartment building confirmed the thoroughness with which the looting had been done, and showed that in some cases dwellings had been set on fire after looting had occurred.
32. Israel spokesmen did not deny the looting but pointed out that looting is often associated with warfare. They also claimed that the Syrian army had announced the capture of Kuneitra twenty-four hours before it was actually taken by the Israel forces and that this would have allowed the Syrian army to loot the town for this period of time.
33. They pointed out that several divisions, both Syrian and Israel, as well as fleeing population from villages closer to the Israel border, had passed through the city of Kuneitra during and after the hostilities. However, on the strength of reports received from different sources, the Special Representative felt reasonably sure that the responsibility for this extensive looting of the town of Kuneitra lay to a great extent with the Israel forces, and he expressed this view to the Israel officials accompanying him during his tour of the city.
34. Syrian authorities in their statements attached special importance to the looting in the occupied area and particularly in the historic site near the town of Banias. These statements, addressed to the United Nations, to UNESCO and to several embassies, persistently alleged "excavations" and "international robbery" of historic treasures. The Special Representative, during his extensive tour of the site, could find no trace of any recent digging in those parts of the site that were shown to him.

Demolition of villages

35. The Special Representative visited several of the villages mentioned in Syrian complaints which alleged destruction by dynamite or bulldozers and implied premeditated demolition for non-military reasons. He visited the heavily damaged town of Banias. Pieces of heavy artillery visible among the ruins, and the detailed description by senior officers of the Israel forces of the route of military advance in the area, left him reasonably sure that the vast destruction had been caused mainly during actual fighting and to some extent after the fighting had ended by the military necessity of blowing up structures on the point of collapsing or which possibly still contained unexploded ammunition or mines.

36. Because of mined roads, the Special Representative observed through field glasses the partly destroyed village of Nukheila, west of Banias. Its destruction could be explained by similar military reasons.

37. In late August demolitions were reported in the village of Kafr El Maa, which lies within the buffer zone east of Lake Tiberias. South of the lake the Special Representative observed through field glasses the entirely destroyed village of Tawfik-el-Foka and the heavily damaged village of Kfar-Hareb. The two villages, which formed part of a chain of military fortifications, were located on a military advance route, and heavy fighting had allegedly taken place in both. It was pointed out to the Special Representative that the near by village of Skopia had not suffered damage, since it was not located on the route of the advance of the Israel military forces.

38. To sum up on the question of the destruction or demolition of villages and towns, the Special Representative felt that the localities he observed, including three of the four persistently mentioned in Syrian complaints, did show vast destruction, but that this destruction could largely be attributed to military operations.

39. In connexion with his tour of the occupied areas of Syria, the Special Representative also paid visits to the Israel frontier kibbutzim of Gadot, Lahavot Habashan and Tel-Katzir and the small locality of Ashmora, all of which were said to have been shelled during the war. He was informed by the Israel authorities that during the war over 1,000 shells fell in the kibbutz of Gadot alone.

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B. Jordanian area

General situation

40. The area of the Hashemite Kingdom of Jordan now under Israel military control, which is bounded by the Israel-Jordan armistice demarcation line and the river Jordan, is commonly known as the West Bank. The population was approximately 600,000 to 700,000, including the Jordanian sector of Jerusalem, plus about 430,000 UNRWA registered refugees, or a total of about 1 million to 1.1 million persons. During and after the fighting an estimated 200,000 persons left for the East Bank. In addition, a substantial number of persons were displaced within the West Bank area.

41. The West Bank area came under Israel military administration after the hostilities, while the Jordanian sector of Jerusalem and some surrounding areas were promptly incorporated in the Israel municipality of Jerusalem.

42. Complaints by the Jordanian authorities relevant to the safety, welfare and security of the population of the West Bank could not all be investigated in detail or verified by the Special Representative. They can be grouped into the following categories:

- (a) Efforts to expel the population from the area;
- (b) Acts of deliberate intimidation, terror and oppression of the population;
- (c) Atrocities against civilian populations;
- (d) Demolition of houses, buildings and entire villages after hostilities had ended;
- (e) Looting;
- (f) Use of napalm and fragmentary bombs during the fighting;
- (g) Limitations and conditions put up by Israel and impeding the free return of all refugees;
- (h) Inhuman treatment of prisoners of war.

43. Israel has either rejected these complaints as unfounded, or has put forward its views on them, particularly as regards demolition of villages.

44. Before proceeding to the West Bank, the Special Representative paid a first visit to Amman on 18, 19 and 20 July. The discussions between the Jordanian Government and the Special Representative were almost entirely devoted to two

problems of particular concern to the Government; namely, the provision of adequate relief to those persons who had fled to the East Bank as a consequence of the June hostilities, and their return to the West Bank. In this connexion the Special Representative visited a number of refugee camps on the East Bank which were providing temporary shelter for the displaced persons.

45. During several tours of the West Bank, the Special Representative visited the towns of Nablus, Qalqiliya, Bethlehem and Hebron, as well as a number of villages and refugee camps. During these visits contact was made with the Israel military authorities and their advisers concerned with the restoration of normal civilian life, and also with Arab representatives of local government bodies and spokesmen for local economic interests, the Moslem religious authorities and the refugees.

Efforts to expel the population

46. In letters circulated to the Security Council (e.g. S/7975, S/8004, S/8110, S/8115 and S/8117), Jordan complains in general terms about Israel attempts to create "yet another Arab exodus", and in precise detail about the expulsion of specific numbers of inhabitants and about intimidation of the population, for example, by dynamiting houses in Nablus.

47. These complaints raise two distinct but related issues: the alleged Israel attempts to create another exodus to the East Bank, affecting the whole West Bank population, and the expulsion of populations from specific localities on the West Bank (which were subsequently demolished), whether or not the populations involved in fact moved to the East Bank.

48. On the first issue, affecting the West Bank as a whole, the Special Representative finds difficulty in defining what constitutes "expulsion" or "use of force" in relation to the movement of populations. During his visit to the area, the Special Representative received no specific reports indicating that persons had been physically forced to cross to the East Bank. On the other hand, there are persistent reports of acts of intimidation by Israel armed forces and of Israel attempts to suggest to the population, by loudspeakers mounted on cars, that they might be better off on the East Bank. There have also been reports that in several localities buses and trucks were put at the disposal of the population for travel to the East Bank.

49. During his visits to several refugee camps on the East Bank, newly displaced persons consistently informed the Special Representative that they had left the West Bank under pressure and that they had suffered many atrocities.

50. The truth seems to lie somewhere between an Israel statement that "no encouragement" was given to the population to flee, and the allegations about the use of brutal force and intimidation made by refugees. The inevitable impact upon a frightened civilian population of hostilities and military occupation as such, particularly when no measures of reassurance are taken, has clearly been a main factor in the exodus from the West Bank.

Demolition of villages

51. More specific details are available concerning the second category of persons displaced by Israel military forces in connexion with the demolition of certain villages and towns. Jordanian complaints submitted to the Security Council claim that 12,000 people from Qalqiliya were living in the open air around 22 June, that the villages of Beit Awa and Beit Mersim as well as three villages in the Latrun area had been levelled, leaving 5,000 to 7,000 inhabitants homeless. The Special Representative has been able to gather information covering those and other localities mentioned in other Jordanian complaints submitted directly to him.

Qalqiliya

52. Qalqiliya was a town of some 13,000 to 14,000 inhabitants located west of the city of Nablus and near the Jordan/Israel border where a large number of houses have been destroyed.

53. Israel, in a letter to the Security Council (S/8013), mentions that Qalqiliya was one of the concentration points of the Jordanian general attack on Israel and that large numbers of troops and artillery pieces were located in and around the town from which shelling of Tel Aviv and Israel villages took place. The letter states that the inhabitants left before the arrival of the Israel troops, that only houses in which Jordanian troops were found were damaged and that since the end of the battle no further buildings had been destroyed. In support of the statement that destruction had been caused by actual fighting, reference is made

in the Israel statement to the nearby town of Tulkarm where allegedly no damage was done since no fighting took place there.

54. During a visit by the Assistant to the Special Representative, the Arab Mayor of Qalqiliya stated that most of the people had left the city and taken cover in the hills before and during the fighting and that about one quarter of the population had remained in the city. After the occupation of the city by the Israel forces, the remaining population was advised by the Israel Military Commander to leave. The Mayor asserted that up to that moment, perhaps some fifteen to twenty houses had been destroyed or damaged through actual fighting. The population was taken to the town of Azun, twenty kilometres from Qalqiliya; from Azun they left for Nablus, where they stayed for about three days, when they were told they could go back. But when they were going back they were stopped in Azun. The Mayor requested and was allowed to see the Minister of Defence in Jerusalem; three weeks after they left their city, the population was allowed to go back to Qalqiliya. Upon their return they found that out of a total of some 2,000 dwellings approximately 850 had been demolished. The Mayor repeatedly stated that he did not know the reasons for this large-scale destruction.

55. The Israel military governor stated that the destruction had been caused partly by tanks and partly by dynamite. He stressed that Qalqiliya "fought", by which it was meant that there was general resistance to the Israel military forces, and that it was the first Jordanian town taken. Houses from which sniping took place were dynamited. Others were destroyed for "safety" reasons, e.g. houses on the point of collapsing and possibly containing unexploded ammunition, or for sanitary reasons, e.g. because of the presence of dead bodies. Fear of the possible collapse of houses was also given by the military governor as a reason why the population was not allowed to return for some time.

56. The military governor said that he was willing to support the population in their plans for reconstruction and that he had already taken measures to get food supplies to the city and to get shops opened again.

57. The city was heavily guarded by Israel military personnel and no signs of friendly contact between local inhabitants and the occupying forces were observed.

Villages in the Latrun area

58. In the Latrun area are located the border-line villages of Emwas, Yalu and Beit Nuba, together containing a population of some 4,000 according to Israel information, and 10,000 according to information from the refugees. In the same area are located the villages of Beit Likquia, Beit Sira and Beni Hareth, with an estimated total population of 3,300. The first three villages mentioned have been destroyed.

59. An Israel liaison officer stated that the destruction had taken place mostly during the fighting, that the Jordanian Army in the area had been assisted by one battalion of Egyptian commandos, that the area had been heavily shelled, that fighting had gone on all through the night and that tanks had gone through the villages because these are located on the way from Tel Aviv to Jerusalem.

60. The Israel Minister of Defence, in his meeting with the Special Representative, stated that he had ordered the destruction of these damaged villages for strategic and security reasons since they dominated an important strategic area.

61. According to one of the military liaison officers assigned to the Special Representative, the State of Israel had informed the representatives of these three villages that it would help their population "to develop other areas".

62. According to accounts from displaced persons, the Israel forces entered the three villages of Emwas, Yalu and Beit Nuba at 4.30 a.m. on 6 June and called the inhabitants to assemble, after which they were ordered under threat to leave in the direction of Ramallah. They were joined on the road by people from the "second line" villages of Beit Likquia, Beit Sira and Beni Hareth. After three days they were told that they could go back but they were allowed to reach the "second line" villages only. Those who wanted to go on to Emwas, Yalu and Beit Nuba were turned back. They then returned to Ramallah and some of them went to the East Bank.

63. According to the same sources, those who stayed behind in and around Ramallah or in the "second line" villages persisted in their demands to the Israel Commander that they should be allowed to return to their homes. After two days, the Commander of the Latrun area came to Ramallah and met with representatives of the displaced villagers, who were informed that 70 per cent of their houses had been destroyed but that arrangements for their return could be made if they so desired. They were also told that there was a need for their labour in order to cultivate

the extensive monastery lands in the Latrun area. The representatives of the villagers replied that their people wanted to go back, even though their houses had been destroyed.

64. According to the information available to the Special Representative, however, these displaced villagers had not yet been able to return. They felt encouraged, apparently, by the Israel decision to allow the people of Qalqiliya to return.

65. As regards the "second line" villages, to which the population has now been allowed to return, the situation can be summarized as follows:

(a) At Beit Likquia out of a pre-war population of about 2,000, including fifty UNRWA refugees, 300 had left for unknown destinations (probably the East Bank). Five hundred had come from the above-mentioned frontier villages; these people, who were living in houses, schools or under trees, wanted to go back. The food situation was under control, although there was a slight shortage of water.

(b) At Beit Sira, where there was a pre-war population of 1,250, about 1,000 had remained. Two hundred and fifty additional persons had come from the three above-mentioned villages.

(c) No information was available as regards Beni Hareth, which consisted of a few houses only. Both UNRWA and the Lutheran World Federation were providing emergency relief to the populations now living in these "second line" villages.

Hebron area

66. At Beit Awa in the Hebron area (original population some 2,500 persons), out of some 400 houses, more than 90 per cent have been completely demolished and the remainder partly damaged. A second village in the area, Beit Mersim (original population approximately 500), was completely destroyed.

67. The Special Representative visited Beit Awa on 11 August. The Arab Mukhtar stated that Israel troops entered the village on 11 June at 5.30 a.m. The inhabitants were then asked to take two loaves of bread and to go to the hills surrounding the village. At 7.30 a.m. the Israel troops started to demolish the houses with dynamite and bulldozers. Groves around the village were burnt. The

belongings of the inhabitants were also burnt since they were unable to take them along. The population stayed in the hills for a week. They were then authorized to return by the military governor. Out of the original population of 2,500, some 300 had left for other areas.

68. The Mukhtar said he presumed that the reason for the demolition was that the Israel authorities believed that there were members of the "El Fatah" organization coming from the village. He claimed that members of this organization used to pass through the village but did not live in it and that the inhabitants never co-operated with them. In this connexion, the Israel authorities informed the Special Representative that this village was an "El Fatah" base where members of this terrorist organization used to stay overnight and where they received ammunition and supplies.

69. The Israel military liaison officer informed the Special Representative that a decision had been made to rebuild the village but that it had not yet been decided whether this would be done by the Government alone or with the help of voluntary organizations. In principle, he said that the Israel authorities were going to supply technicians and provide cement to help in the rebuilding of the houses. The Mukhtar said that the Israel authorities had promised them all this, but that so far nothing had been received.

70. In Beit Mersim, located fifteen kilometres from Beit Awa, a similar situation prevailed, according to the Mukhtar of Beit Awa.

71. Some other villages where destruction had allegedly taken place were Beit Illo (near Ramallah), Kharas, Sourif and Edna. According to the Israel military liaison officer, only the village of Beit Illo had suffered some war damage, while the villages of Kharas and Edna had not been touched. According to one of the villagers of Beit Awa, eighteen houses had been demolished in Sourif.

Number of homeless persons

72. As regards the number of people from the town of Qalqiliya and from the villages located in the Latrun and Hebron areas, rendered homeless for a shorter or longer period, the situation can be summarized as follows:

(a) In the Latrun area at least 4,000 persons from the front line villages of Emwas, Yalu and Beit Nuba had not yet been allowed to return to their

villages. About 3,300 persons from the "second line" villages of Beit Sira, Beit Likquia and Beni Hareth had been allowed to return.

(b) In the Hebron area 3,000 persons had been allowed to return to Beit Awa and Beit Mersim.

(c) Qalqiliya. According to the Arab Mayor, about one quarter of the total population of approximately 14,000 stayed in the town during the hostilities. Thus a maximum of some 4,000 persons might have remained and been ordered out by the Israel military authorities after actual fighting had ended. Houses destroyed belonged both to this group and to the persons who left before complete or partial destruction of the 40 to 50 per cent of the housing had taken place. The populations had been allowed to return, but it was not known how many actually did return.

Looting

73. There are Jordanian complaints about alleged looting "of everything" found in banks by Israel occupying forces. This allegation has been rejected by Israel as "unfounded". During his tour of the area, the Special Representative was informed by Israel spokesmen that in fact Israel had taken away the bank books and money found in the banks, but against duly signed receipts and for the sole purpose of making a systematic check on the situation of these banks at the time Israel took over control of the area.

74. Jordanian complaints also allege looting of commercial stores, houses, the hospital in Nablus and the theft of church jewellery from the Church of the Holy Sepulchre in Jerusalem. According to press reports, the latter items had been found and restored. The Special Representative received the specific Jordanian complaints about looting only after his visit to the areas concerned and was therefore unable to look into the alleged looting of the Nablus hospital.

75. The Special Representative also received reports concerning looting in Jerusalem by Israel military personnel, including cars, vacant houses and shops. Since the alleged events took place, some two months before the arrival of the Special Representative, it was difficult for him to form a firm opinion about these allegations.

76. The Assistant to the Special Representative, during his visit to the hospital of Qalqiliya, was informed by the doctor in charge that the X-ray machine, the operating table, overhead lights and other equipment in the operating theatre, as well as stocks of hospital linen had disappeared. Israel officers present during the tour of the hospital stated that the Israel authorities had promised to provide the hospital with a new operating theatre.

77. Israel spokesmen informed the Special Representative on several occasions that the Israel authorities had taken measures to prevent looting and to stop it when it occurred, including the court martialling of army personnel caught in the act of looting.

Economic and social conditions and needs

78. Views on the economic and social conditions of the civilian population on the West Bank were conflicting. According to statements by spokesmen of the Jordanian Government, the economy of the area was paralysed, there was a threatened shortage of food approaching a situation of famine for the population, there was no circulation of money owing to the confiscation by occupying forces of cash on hand in the Jordanian banks which were closed for business by these forces, and moreover, confiscation of property has taken place. The Jordanian views of the situation are presented in more detail in statements presented by the Jordanian Government to the Special Representative. These statements are attached as annexes to this report (see annexes II to IV).

79. The Israel views on the situation, set forth in statements also attached as annexes to this report, stress the speedy return of normal life in the occupied area and the measures taken by the Israel Government to facilitate and encourage this process in relation to local government, currency problems, price levels, employment, the reactivation of agriculture, industry and commerce, the re-establishment of basic services such as electricity, water, communications and transportation, and the resumption of services in the fields of health, education, welfare and religious and judicial life.

80. The Special Representative was not able, in the time at his disposal, to assess completely the social and economic situation prevailing on the West Bank or to establish a complete review of measures taken by the Israel Government, and even less to analyse all the implications of Israel measures taken so far. He has been able, however, to obtain an impression on these points by direct observation during his visits to the main West-Bank towns of Hebron, Bethlehem, Nablus and Qalqiliya, and through detailed and specific discussions with representatives of the local population and of the Israel authorities.

81. The information gathered in this way is presented here classified according to main items relevant to the situation prevailing in each of the four towns. Since these situations differ, not all subjects are covered for each town. Secondly, because of the variations in the time at the disposal of the Special Representative in each town and the differences in background and knowledge between

the spokesmen consulted, the information is more complete on some subjects for some towns than for others.

Qalqiliya

82. The information concerning Qalqiliya, which was visited by the Assistant to the Special Representative on 12 August 1967, was as follows:

(a) Local government. The Arab Mayor stated that the employees of the municipality had returned to work and that the municipality had received 4,000 pounds from the Jordanian Government and 3,000 pounds from the Israel Government and that he was expecting more funds from the Israel Government. He stated that it was necessary to strengthen the budget of the municipality to carry out the reconstruction of this largely destroyed city. Moreover, additional funds would be required once the agricultural season began. So far, he said, no plans had been made regarding reconstruction, but a budget had been submitted to the Israel authorities. The legal adviser to the Israel military governor stated that in a few days the municipality would receive long-term loans to help the shopkeepers to start buying goods. According to the Mayor, the main problems facing the city were the financing of the budget and the general shortage of money.

(b) Banks: There were no branches of Israel banks in the area.

(c) Basic amenities. The Mayor stated that the Israel Government had helped in restoring of the water and electricity systems.

(d) Food. Food was provided by UNRWA. For the first month UNRWA supplied food to everyone; as from the second month, no rations were issued to those who had their own means.

(e) Shelter. Some of those whose houses were destroyed are at present living with relatives or outside Qalqiliya (in Nablus, for instance) or in their former houses in Qalqiliya, where they had covered the destroyed parts with tents. About 200 tents were distributed by the Israel Government and about 30 by UNRWA. The tents provided by the Israel Government were cut into pieces and shared by several families in order to cover damaged parts of their houses. The Mayor stated that there were no official plans to reconstruct the town but that he had read in newspapers that the Israel Government intended to carry out the reconstruction.

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(f) Education. The Mayor stated that the schools would be functioning. He had heard of teachers elsewhere who had been asked to fill in a special form before resuming their work, but this had not happened in Qalqiliya.

(g) Health services. The Mayor stated that when the population returned to Qalqiliya there were a number of human and animal remains in many places; the Health Department proceeded to their removal and to a disinfection campaign. A medical doctor was now visiting the city twice a week, but the Mayor considered the present health services inadequate. He would prefer that the doctor be permanently stationed in Qalqiliya. The UNRWA hospital was still functioning, but without its previous operating theatre, as stated elsewhere in this report.

(h) Economy. The main source of livelihood for the 12,500 non-UNRWA residents was agriculture and remittances of money from those who emigrated to other countries. Agriculture was being resumed since no fields were destroyed. However, there was a problem of unemployment. Through the Israel Government about 120 workers were now working on cleaning the town.

(i) Confiscations. The Mayor stated that no goods or properties had been confiscated in Qalqiliya.

Nablus

83. The information regarding Nablus, visited on 24 July, may be summarized as follows:

(a) Curfew. There was a curfew throughout the area from 7 p.m. to 4 a.m., when farmers start going to their work.

(b) Municipality. An Israel spokesman said that the Israel military authorities had authorized the head of the municipality to run the services himself and that they had given him the practical possibilities to do so by providing supplies and assistance. The Mayor was the elected Arab Mayor of the city who did not leave the city during the hostilities.

(c) Police. The police force was operating and consisted of about eighty-five policemen in Nablus only. Those who were found were all remobilized and back on duty. They were wearing uniforms, and the Israel authorities had supplied them with weapons to safeguard the town against looting.

(d) Employment of government officials. According to an Israel official, there were 1,300 teachers in the district of Nablus. All of them would receive their salaries. Moreover, salaries were also being paid to policemen, to the staff of government hospitals, and to the personnel of post offices. In principle, all officers working for the administration would be paid. The Israel official stated that already some 350 workers were working in the projects of the municipality, such as construction of municipal roads and new buildings. The Arab Mayor stated that even though the present Government was paying most of the teachers, unfortunately most of the other departments had not yet received any money, from either the Jordanian or the Israel Government. This situation, in his opinion, affected "thousands of people", many of whom were coming to see him daily about their problems. He mentioned in this connexion the Department of Land Registry, the religious courts, the pension office, the civil law courts, etc., which were located in Nablus and served the wider Nablus district. The Israel spokesman stated that the Israel authorities did not know about the existence of these offices and their specific tasks. According to their information, there were about twenty-one government departments in Nablus, and payment of salaries to their officers was now beginning, except for some civil servants who were felt by the Israel authorities to be redundant.

(e) Banks. According to an Israel official, the banks were functioning.

(f) Basic public facilities. An Israel spokesman said that the electricity supply had not been interrupted; postal and telephone services were operating.

(g) Water. According to an Israel spokesman, the water pipeline was blown up during the fighting and was being renewed. In midsummer it was usually dry in Nablus, and the city needed water from outside.

(h) Food. An Israel spokesman said that the Israel authorities supplied the most essential things which were not in stock in sufficient quantity in Nablus, such as flour. In some villages around Nablus there was no flour either. The Israel military authorities told the village Mukhtars that they could bring their problems before the municipality in the areas in which their villages were located, and through the Mayors the population had been supplied with flour. There was no problem of starvation whatsoever. The Arab Mayor stated that there

was enough food but the population lacked the money to buy it and that the municipality had started to give help to about 16,000 people in Nablus city alone (out of a total population of 75,000 to 80,000).

(i) Health. According to an Israel spokesman, hospitals were operating. The Israel authorities gave the head of the municipality the power to run the services in town, including the health services. The Arab Mayor stated that the medical services were working, but not as they used to. Some of the personnel of the clinics and some of the manual workers had left, some of the instruments had been lost, and there was not as much transport as was needed. Moreover, apart from the traditional medical services, there were some special projects, such as a malaria eradication project and a tuberculosis centre and a maternity and child health programme, all of which had come to a standstill. The Arab Mayor stated that the municipality had discussed these problems with the Israel authorities who showed "an eagerness to co-operate" and that weekly meetings had been arranged with the health authorities in Jerusalem.

(j) Agriculture. According to an Arab spokesman (formerly Minister of Agriculture in the Jordanian Government), at least 50 per cent of the harvest in the Nablus area was destroyed during the war. However, an Israel agricultural specialist felt sure that more than 80 per cent of the crops of the area had been saved. After hostilities ended, the Israelis had proceeded to the harvesting of abandoned crops; in the case of wheat, to prevent it from burning out; in the case of tomatoes and melons, to avoid rotting. Surplus perishable agricultural products had been sent to Israel canning factories. He stated that the Israel authorities had assisted local agriculture, first, by doing this emergency harvesting, sometimes using machines brought in from Israel, and secondly, by assisting in the sale of agricultural surpluses to industries in Israel now that the usual export outlets to countries like Kuwait had been closed. In addition the authorities would be willing to supply seeds for the new agricultural season. Arab spokesmen stressed the difficulty of resuming agricultural activities because of the great number of people who had left for the East Bank. Difficulties would soon be felt when the olives had to be picked. They felt that the reduced labour force would lead to a reduction of agricultural production which would result in a shortage of food in the area. The Israel agricultural spokesman said that the

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Israel authorities had started to prepare plans for the next agricultural season and felt sure that they would be able to plant all the areas where no war damage had been done. He was surprised to hear that there was so much concern about the alleged shortage of agricultural labour.

(k) Commerce. All marketing had been arranged as from the first week after the war, according to an Israel spokesman. During the war the Israel military authorities stopped all traffic. The day after the war traffic resumed with private cars. Commodities which were lacking were brought in from Israel. The Israel authorities arranged for the sale of manufactured products from Nablus in the Arab part of Jerusalem. However, the Arab Mayor stated: "The commercial situation is a little better but is not what it should be."

(l) Shops. An Israel spokesman said that shops were open; everything was as before. A few of the shopkeepers had left, and some others kept their shops closed. Some travel agencies had closed down because they had no business. He stated: "We give all the opportunities, but it is up to the municipality." He drew attention to the fact that much tourist trade was now coming from Israel. The Arab Mayor stated that a large number of shops had opened and that a large number of Israelis had started to come to the area and were buying; but apart from these visitors, there were no tourists of the usual kind.

(m) Price level. According to an Israel spokesman, prices generally were going up, but compared with Israel prices in Nablus were lower as the local standard of living was lower.

(n) Unemployment situation. The Arab Mayor indicated that there was a problem of unemployment affecting a large number of labourers. This was unusual as, before the war, there had been no unemployment during the summer season but only in winter. He declared that unemployment was felt in all sectors of the economy and gave as examples both private and public building and, related to this, unemployment in many industries, such as ironwork and furniture, in which a large number of labourers worked. Unemployment was also found, for example, in dressmaking, he observed. According to an Israel official, soap factories in Nablus were resuming work gradually and would again provide employment to about a hundred workers.

(o) Unemployment relief. An Israel official said that efforts were being made to relieve unemployment in the area, especially through the initiation of

public works. Many roads were being repaired, and there were plans to enlarge other roads. These works were expected to absorb hundreds of labourers. Moreover, the military authorities had asked the municipality to operate projects which had been planned before the war. If the municipality needed money to start the projects, the Israel Government would be ready to give it and had in fact already done so to some extent. Many people were working on these projects, which included the reconstruction of the pipeline, road construction and road repair, and the continuation of construction work on schools, hospitals and other public buildings.

(p) Looting. An Israel official said that there had been complaints about the looting of shops at night. The Israel defence forces had been able to catch the looters, who had been tried before a military court, since breaking the curfew and looting were military offences.

Bethlehem

84. The information concerning Bethlehem, which was visited on 11 August, was as follows:

(a) Municipality. The Mayor of Bethlehem informed the Special Representative that the services of the municipality were running 100 per cent. Some projects were being carried out with the help of the Israel Government. Salaries for the month of June had been paid. As regards July salaries the Mayor had roughly half of the amount required available for payment. Approval of the budget was expected for August and September. As soon as the budget was approved, work could be given to another 155 municipal workers.

(b) Banks. He stated that all money was frozen in the banks and that there was no liquidity. Only one Israel bank had opened, with very limited transactions. The Mayor had been informed that efforts were being made to obtain funds from London to reopen the Ottoman and British banks in Bethlehem, which were still closed.

(c) Food. Immediately following the end of hostilities, there had been a shortage of flour, but new supplies had arrived within a few days. There were no food problems.

(d) Education. The Arab Mayor asserted that schools would be opening in September. Most of the teachers were from the area.

(e) Health. The Arab Mayor remarked that the health situation was good and that hospitals were working.

(f) Courts. There were no problems, according to the Arab Mayor.

(g) Economy. Bethlehem's main source of income was tourism, but foreign tourists had stopped coming. The head of the department of tourism in Jerusalem had promised to give the fullest attention to this point. The Israel military governor stated that Bethlehem could not exist without tourism coming through Israel and that therefore it was in the economic interest of the local population to co-operate with the Israel authorities.

(h) Employment. The Arab Mayor stated that there were some "jobless" but that road construction works were going on. However, construction on the Bethlehem-Jerusalem road, involving some forty to sixty employees, had been interrupted because the contractor had disappeared.

(i) Movement of population. According to the Arab Mayor, there were three camps of Palestinian refugees in the area, with a total refugee population of some 20,000. About 30 per cent of them had left. Very few of the local residents of the Bethlehem area had left, however.

Hebron

85. As regards Hebron, which was also visited by the Special Representative on 11 August, the information received by him may be summarized as follows:

(a) Municipality. The Arab Mayor informed the Special Representative that the officials who originally were working with the Government had all been re-employed except for about 20 per cent who had to be terminated upon the request of the Israel authorities.

(b) Food. Immediately after the war, basic commodities had been gathered together, and the municipality, together with the chamber of commerce, had carried out an inventory of stocks. The Israel authorities had supplied flour and fuel, of which there was a shortage.

(c) Education. Schools would reopen on 1 September. Some teachers, mainly those who had been recruited from outside the area, had left. The places of teachers who did not return would be filled by university students.

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(d) Economy. The main economic activity in the region was fruit-growing. The Mayor observed that at present it was not possible to export fruit to the East Bank and that, moreover, it was not possible to send trucks to the Jericho area on the West Bank. Secondly, a large number of people from the area used to work in the Arab peninsula and to send money home or to come to Hebron themselves for holidays and thus spend their earnings but they were no longer doing so.

(e) Commerce. He stated that except for the absence of imports, commerce was going on normally. Before the war a large number of merchants had placed orders through Amman for all sorts of goods which were now waiting in the port of Aqaba, and the merchants were now unable to bring these goods to Hebron. During his subsequent visit to Amman, the Special Representative took this matter up with the authorities there, who informed him of their willingness to seek a satisfactory arrangement for the merchants concerned.

(f) Employment. From the point of view of manpower and employment, there were no difficulties in the agricultural sector nor in other sectors of the economy, where work and life were continuing normally.

(g) Confiscations. The Israel custodian of absentees' property had seized the houses of those who were away since the houses were empty. However, in some cases the inhabitants were only temporarily away on a visit to Amman. In other cases, when a relative of the owner had been present but not the owner himself, the property had still been considered as absentee property by the Israel authorities.

(h) Abraham's Tomb. The Mufti informed the Special Representative that Moslems had at first been forbidden to go and pray in the main mosque, built over Abraham's Tomb. They had protested, and the Israel Minister of Defence had to discuss the matter directly with them. It had been agreed that the Moslems would conduct their prayers at certain hours, while other hours would be reserved for visitors. An Israel officer explained that the difference of opinion arose from the fact that the shrine of Abraham's Tomb is equally holy to Moslems and Jews. The latter were now allowed to pass through the mosque.

(i) Moslem religious courts. The Mufti also declared that the main chiefs of the Islamic community had met and decided to appoint one of their number to represent them in Jerusalem and deal with the Israel authorities. Any relevant

Israel orders were now received through this representative. No difficulty had been encountered in carrying on the normal Moslem legislation and court affairs.

(j) Movement of population. The Mayor mentioned that before the entry of the Israel troops, an agreement had been reached that no fighting would take place in this area, and that in fact no fighting had taken place. Yet when the Arab Legion withdrew from the area, people began to flee. Approximately 15,000 to 18,000 out of a population of 150,000 in the area had left. The majority had left before the arrival of the Israel troops; some were still leaving. They had left of their own free will without any pressure from the army. Many had come back, and about 90 per cent of all those who had gone would like to come back. The army treated the population well. There were about 50,000 Palestinian refugees in the area, out of whom approximately 10,000 left. (Forty per cent of the refugees lived in camps.)

86. The above data from various sources seem to indicate that as a result of the hostilities the general economy of the West Bank came to a standstill. Trade between the West Bank and the East Bank was suspended; banks were closed, and credit facilities had been withdrawn. Many businesses were closed, and employees no longer received their salaries. The general impression was that food had soon become available, but not the money to buy it. The three major problems facing the economy were lack of liquidity, unemployment, and changing price levels.

87. The Israel Government assured the Special Representative that it had taken initial measures to restart the West Bank economy, including the purchase of West Bank agricultural surpluses formerly exported to East Jordan and to other Arab countries, to re-employ former Jordanian Government and municipal employees, including teachers, as well as to create employment by public work projects, and to authorize some Jordanian banks to reopen and create branches of the Bank of Israel in the principal West Bank centres.

88. An economist, a member of the Israel planning committee for the development of areas under Israel control, stated that at the beginning the idea had been to do whatever Israel could do to maintain the existing price levels in the occupied area. However, it was found that it would be impossible to operate separate customs controls for the West Bank and for the Gaza area and that in general it would be physically impossible for Israel to ensure a complete separation between the

economies of the three areas. Therefore, at a later stage, a more flexible policy was adopted accepting the idea that in principle there would have to be an adjustment of the level of prices between Israel and the occupied areas. Thinking then focused on measures to ensure a gradual adjustment so that the shock would not be too great. Such a gradual adjustment would be obtained by ensuring an effective rise in salaries and in the purchasing capacity of the population, in order to nullify the negative effect of the rise in price levels. In this connexion it was found that opening the area for Israel tourists would allow the population to sell whatever they had to sell, which in turn would increase their purchasing power.

89. According to the same spokesman, a representative of the Israel National Bank went to discuss the rate of exchange of the Jordan dinar with the International Monetary Fund (IMF). The Fund had reservations regarding Israel's rate of exchange for the dinar. Israel informed the IMF of its readiness to modify the rate of exchange, provided that the convertibility of the dinar would be guaranteed for the future. Moreover, Israel was willing to let the local Arab banks resume business if the Jordanian banks transferred back all the balances being held in Amman. The IMF discussed this with the Jordanian authorities. These authorities drew up a list of proposals which, Israel felt, amounted to putting Israel in a situation where the economy of the West Bank would be run from Amman. Therefore, Israel decided, as a unilateral act, to raise the rate of exchange of the Jordan dinar (and of the Egyptian pound) in order to counter-balance the negative effect on the purchasing power.

90. According to the same spokesman, Israel wanted to secure facilities for the transfer of remittances to the population; Israel felt that too much talk about this subject could bring about a situation where some Arab countries would not transfer money to their **families** in the occupied areas. Therefore, the IMF, the Red Cross and the United Nations were informed of the factual situation, namely, that Israel would see that any remittances transferred to persons in those areas would be made out to them through the banks. The banks were given orders to transfer any remittances which they received directly or indirectly for or on behalf of residents.

91. According to the data provided by the Israel authorities, little damage was done in agricultural areas, and agriculture as an economic activity was functioning fairly well in most areas, with the possible exception of the Nablus region. Israel set up a group composed of various experts attached to the Prime Minister to look into plans for water resources and agricultural development. The immediate problem was, however, what to plan for the next agricultural season. For the moment there were surpluses, and Israel was faced with the problem of what to do with them. Israel policy aimed, according to Israel sources, at maintaining the economic activity at its previous level, but it was not to be expected that next season's agricultural production could be exported to the East Bank. Instead, the Israel market would have to be used as a basis for planning of West Bank agriculture. Agriculturalists from the West Bank had already been taken on visits to Israel to show them the situation and orientation of agriculture there, in order to help them make adjustments in their own plans for the next season. The Special Representative was informed that whatever the future of the West Bank would be, it was the earnest wish of Israel Cabinet Ministers responsible that the West Bank population should be able to conclude that the Israel administration had done whatever it could to raise the standards of living of the population.

92. The Special Representative considered that, if there should be a delay in the resumption of normal economic life both on the West Bank and in the Gaza strip, a considerable portion of the population in these areas would suffer a decline in living standards and that nutritional problems might develop. Under these conditions, there would be a continued need to provide food relief for those persons who were not at present under UNRWA's care. Early consideration would therefore have to be given to the continuation or the expansion of existing feeding programmes, such as those that were being discussed between the Israel Government and CARE. Discussions were also taking place between UNICEF and the Israel authorities on this subject.

C. The United Arab Republic and areas administered
by the United Arab Republic

General situation

93. There are striking differences in population density and composition as well as in economic and social life between the United Arab Republic-administered Gaza strip and Sinai. The Gaza strip is a small but densely populated area with a total pre-war population estimated at about 455,000, of whom 315,000 or about 70 per cent, were UNRWA registered refugees. Sinai is a vast peninsula still characterized in the interior by the traditional Bedouin way of life. The settled population in this peninsula is largely concentrated in the town of El-Arish on the Mediterranean coast and in the eastern part of the town of Kantara on the East Bank of the Suez Canal. According to local Arab sources, the pre-war population of El-Arish was estimated at between 30,000 and 40,000 and that of East Kantara at about 15,000.

94. Prior to his visit to these areas the Special Representative proceeded to Cairo on 27 July for discussions with representatives of the United Arab Republic Government. These discussions highlighted three issues to which the United Arab Republic attached particular importance: the alleged shortage of food and the starvation of the population in El-Arish, the shortage of water in East Kantara and the responsibility of the occupying authority for this state of affairs, and finally, the alleged expulsion of Palestinians across the Suez Canal by the Israel forces. Arrangements were made for the Special Representative to visit newly displaced persons who had been given temporary shelter in recently constructed villages in the land reclamation projects of the Liberation Province north west of Cairo. A visit to Israel prisoners of war held in the United Arab Republic was also arranged at the request of the Special Representative.

95. The Special Representative visited El-Arish and East Kantara on 14 August and Gaza town and its surrounding areas on the next day. In each locality meetings were held with the Israel military forces in charge of the administration as well as representatives of Arab local government bodies and other spokesmen for the local Arab population and for Palestinian refugees.

96. The Israel authorities submitted to the Special Representative two aide-memoires on the situation in the Gaza strip and northern Sinai, which are annexed to this report (see annexes VIII and IX).

Gaza

97. Besides considering the alleged expulsion of Palestinians from the Gaza strip, the Special Representative gave attention during his short visit to the area to a number of questions affecting the safety, welfare and security of the population.

98. The information obtained by the Special Representative is set forth below according to subjects. In this connexion it should be pointed out that because UNRWA registered refugees made up 70 per cent of the total population, UNRWA played an essential role in the economic and social life in the area which affected not only the refugees but also the population as a whole.

(a) Movement of population

99. Until recently the population living in the Gaza area could be divided into three categories: the original Gaza population which had inhabited the area for centuries; Palestinian refugees and persons of Egyptian origin, mostly government civil servants, teachers, and professional persons.

100. The Israel military commander of the Gaza area stated that there were still some 200 Egyptian civil servants in Gaza together with their families, who wanted to return to the United Arab Republic. He declared that they did not want to work in Gaza now since if they did so, they would lose their job potential in the United Arab Republic. However, if they stayed in the area under Israel control, they would have to work. According to other sources some 600 or 700 persons were imprisoned initially. Of these the Israel authorities later retained only men between eighteen and fifty-five years of age and allowed the others to leave for the United Arab Republic. The men between the ages of eighteen and fifty-five were then transferred to El-Arish. The Special Representative had the opportunity to visit 289 United Arab Republic officials detained in El-Arish.

101. Some sources claimed that after the hostilities ended in the Gaza area, Israel military forces rounded up about 3,000 persons who were thought to be members of the Palestine Liberation Army, and subsequently took them to places outside the Gaza strip. During his visit to the prisoner-of-war camp in Athlit (Israel) the Special Representative was informed that some of these Palestinians were detained there. According to various sources, others were taken to Kantara. There they were authorized by the Israel authorities to cross to the west side of the Suez Canal.

102. The Special Representative had not been able to find official confirmation of the above-mentioned figure of 3,000 persons involved, or to determine how many of these had been released and how many were still being detained inside or outside the Gaza strip by the Israel authorities.

103. The Israel authorities had made arrangements enabling residents of the Gaza area to visit relatives on the West Bank. At the time of the visit of the Special Representative to the Gaza strip, Gaza residents desirous of visiting the West Bank had to apply for permission to the military authorities. Upon approval of their request they received two passes - one to go to the West Bank and one to come back. It was said that about six large buses were leaving every day for the West Bank. It was not known to the Special Representative whether on an average six busloads of people also returned every day and to what extent the authorities checked whether individuals returned on or before the return date mentioned on their return passes. According to information subsequently received, the requirement for permits to visit the West Bank had been lifted and only identity cards were required.

(b) Municipality

104. According to the Israel military governor of the Gaza strip, the municipality was working normally. The Arab personnel of the municipality had not been replaced and were receiving their salaries. All services were functioning.

105. The Arab Mayor of the municipality declared that 450,000 Egyptian pounds belonging to the municipality had been taken from banks by the Israel authorities. Israel spokesmen denied this.

106. The military commander of Gaza town declared that the municipality budget was given priority as regards payments. The municipality had already received 20,000 Egyptian pounds from the Israel military government, but in addition the municipality was requesting grants similar to those received in the past for carrying out projects.

(c) Banks and currency

107. Members of the Gaza municipal council complained that economic life was at a standstill because depositors could not withdraw money from the banks. In this connexion, one Israel senior military officer asserted that 70 per cent of the local currency in the banks had been taken to the United Arab Republic; another Israel officer declared that the Israel authorities found altogether 526,000 Egyptian pounds in the banks in the Gaza strip, that the local banks were bankrupt and that banking was now functioning through Israel banks.

108. During his visits to Cairo, the Special Representative was informed by the United Arab Republic authorities that in the whole of Gaza and Sinai, Israel forces had taken 1 million Egyptian pounds from the banks, as well as 400,000 Egyptian pounds found with the United Arab Republic troops and earmarked for their next salary payment. Israel spokesmen in the Gaza strip and elsewhere insisted that wherever bankbooks or money had been taken from banks, this had been done only upon receipts handed over to the directors of the banks concerned. Moreover, they stated that the cash held in banks did not suffice to refund the deposits made by the inhabitants.

109. Exchanges of currency according to the latest Israel regulations could officially be made in the Gaza strip until 15 August.

(d) Food

110. During his visit to Gaza town, the Special Representative noted that there seemed to be an ample supply of food there. According to the information received by him, supplies left behind by the United Arab Republic authorities had been used to a large extent. Food prices had increased somewhat, for instance, those of fresh meat, canned meat and fish. People were coming from Israel and buying these foodstuffs, and this was one reason for the rise in prices.

111. Though food seemed to be available, money to buy it was scarce. The CARE representative stated that CARE was giving food and assistance to approximately 80,000 persons, who were not UNRWA refugees of whom 10,000 were in EL-Arish. CARE was carrying on that activity in close co-operation with UNICEF. UNICEF would distribute the same rations as CARE, reaching those persons who were not covered at present by either UNRWA or CARE, particularly nursing and expectant mothers. CARE supplied food to other categories such as old people, widows, orphans, disabled people, and people who were able to work but had been unemployed for at least four weeks.

(e) Health

112. According to the Israel military commander, health services continued under the same conditions as in the past when they were provided by the Government free of charge. He stated that the hospitals were functioning, but that some people had asked the military government to provide them with better hospitals. He stated that an Israel doctor was touring the area regularly.

113. However, according to other sources, the hospital in Rafah had been destroyed, and only the UNRWA hospital there was functioning.

(f) Education

114. The military commander informed the Special Representative that he expected the schools to reopen with adequate equipment. He hoped that enough teachers would be available.

115. Some sources indicated that about 200 teachers had left the Gaza area, most of them before the war, and that some equipment had been looted during and after the war.

116. The Special Representative heard from both sides many expressions of grave concern regarding the course of future developments in the education field. Israel spokesmen repeatedly expressed their disapproval of the textbooks in use, which allegedly contained hate propaganda against Israel. According to the latest reports received by the Special Representative but which had not, as far as known, been officially confirmed by the Israel authorities, Israel would continue to use the old textbooks, but would delete from them those passages which were offensive to Israel.

(g) Economy

117. Traditionally, the Gaza area is a citrus-growing region. According to the Arab Mayor of Gaza town, citrus exports represented 25 to 30 per cent of the local revenue before the hostilities. These exports had now been blocked, and there was no prospect as yet of the resumption of these exports. One member of the Gaza municipal council mentioned that there were 40,000 workers involved in the citrus sector, from the groves to exportation.

118. The military governor stated that the matter of exports was under consideration and that the Ministry of Agriculture was studying plans for using Gaza citrus fruits in Israel canning factories and for improving the quality and packing of the fruits for marketing.

119. Before the war salaried workers were mainly dependent on a few main employers, including the United Arab Republic Government, which employed some 5,000 persons, UNRWA and UNEF. An Israel spokesman stated that most of these Government employees were still in the area and that 30 per cent of them were working.

120. A third source of income had been remittances to persons living in Gaza from relatives in Kuwait, Saudi Arabia, and other oil-rich countries. Those remittances had now stopped, but might be resumed through the channels opened by the ICRC. One source indicated that more than half of the Palestinian refugees depended in varying degrees on money remitted from abroad.

121. From persons in each of the above-mentioned three main income categories, the present situation was characterized by unemployment and hardship. A member of the municipal council of Gaza stated that every day about 2,000 workers applied for work, but that only half of them were successful.

122. The military governor of the Gaza area stressed that the military authorities, instead of giving money to able-bodied persons not engaged in any productive activity, had very much encouraged the population to work on projects such as the reconstruction of roads, the building of new roads, the cleaning of streets, and the reconstruction of public buildings but the local population seemed reluctant to work on these projects for a number of reasons. He stated that the Israel military authorities would open a labour exchange shortly. Every unemployed person who wanted to work should register his name. If no work could be given, assistance would be provided to the applicant. He mentioned that the population had been informed that those who wanted to go and work on the West Bank could do so.

(h) Civilian casualties and property damage

123. The Special Representative received reports from various sources that not only during but after the active hostilities civilians had been killed and houses destroyed.

124. Regarding the destruction of houses after the war, the Israel military commander of the Gaza strip stated that two or three houses had been destroyed for security reasons because explosives and weapons had been found in them. As regards Rafah, he stated that, after having himself made a tour of the area, he did not have the impression that the town was destroyed, but only that some of the houses were damaged. In Rafah, to his knowledge, there had been no destruction for such security reasons as those referred to above.

125. During the Special Representative's visit to a refugee camp, spokesmen for the refugees drew his attention to continuing searches of the camp by Israel forces and requested that in order to avoid frightening women and children, such searches should not be conducted during the night. The military commander of Gaza town who attended the meetings, stated that until very recently some Egyptian officers and soldiers and ammunition and weapons had been found in the camp and that on questions of military security there could be no bargaining whatsoever.

126. A member of the Gaza municipal council stated that the looting of shops continued creating fear among the shopkeepers. He added that there were fewer police now than in the past. The military commander of Gaza town indicated that there were about 250 local police there and that this number would be increased. According to him, the military authorities were in fact trying to reorganize the whole police force. The police, who used to work only four hours a day were now working eight hours a day. Moreover, the Israel police and the local police would be combined. The military authorities could not rely on the local police, he declared, and mixed patrols of Israel and local police were planned. An increase in salaries was also being considered. The entire reorganization was expected to take approximately two weeks. A new police station had just been opened.

EL-Arish

127. During his visit to EL-Arish, the most important city of Sinai, the Special Representative gave attention to the food situation as well as to a number of other problems of particular interest to the local population. The information obtained by him is summarized below.

(a) Food

128. During his first visit to the United Arab Republic, the Special Representative was informed by a Government spokesman that the population in EL-Arish was starving and that the United Arab Republic authorities therefore had intended to send a ship with food to EL-Arish. According to an Israel spokesman, Israel had let it be known that the population was not starving in EL-Arish, but if the United Arab Republic wanted to send food, Israel would not object provided the ship flew a Red Cross flag. Subsequently, according to the same Israel spokesman, the United Arab Republic Government had abandoned the idea. The United Arab Republic spokesman informed the Special Representative that the decision not to send the ship to EL-Arish had been taken when the news of the Special Representative's imminent arrival in Cairo had been received. The United Arab Republic Government wished to avail itself of this visit in order, first, to clarify the question of principle that it was the exclusive responsibility of the occupying authority to supply food in sufficient quantity to the local population of EL-Arish.

129. According to Israel, as well as Arab and neutral spokesmen, there was no immediate food problem in EL-Arish, but there was a scarcity of money to buy the food that was available.

130. Israel sources indicated that food was now brought into EL-Arish by rail. As mentioned elsewhere, CARE was supplying rations to some 10,000 inhabitants.

(b) Municipality

131. According to the Israel military commander, the Israel authorities gave money to the Mayor of the municipality to pay municipal workers (numbering about 400); the water and electricity supplies were functioning. He mentioned also that the local police force was operating.

(c) Banks

132. The two banks of El-Arish were closed. As soon as postal services were restored, the military government opened the Israel Postal Bank.

133. From 16 August only Israel currency was to be accepted. The rate of exchange had been established at six Israel pounds for one Egyptian pound. The Israel authorities would not object if after that date customers still paid for goods in Egyptian pounds, but the exchange rate would be different, namely 3.5 Israel pounds for one Egyptian pound.

(d) Housing

134. Israel spokesmen claimed that there had been no heavy fighting in the town of El-Arish, and only a few houses had been damaged. The local municipality had called in tenders from local contractors to carry out the repairs, which would be paid for from the municipal budget provided by the Israel authorities.

(e) Health

135. According to the Arab director of the El-Arish hospital, the health situation was normal. Medical staff numbering about 100, who had previously been responsible for health services in different parts of the Sinai peninsula, were now concentrated in El-Arish, with the result that there was a relatively high number of medical personnel per hospital bed.

(f) Income and employment

136. According to Arab spokesmen, almost all the population of El-Arish had previously depended indirectly on the salaries and purchasing power of civil servants who were stationed in El-Arish for the administration and servicing of the town itself and of the wider Sinai peninsula, as well as of the army. It was said that there were some 4,000 heads of families of both categories who were now without jobs or salaries. Of these 4,000, some 1,000 heads of families had originally been recruited west of the Suez Canal. Israel spokesmen stated that the Israel authorities in El-Arish were now employing and paying 700 permanent civil servants, namely, 400 employed by the municipality and some 300 employed in the police force and in services such as water supply. In addition, the military

authorities needed about 400 personnel to work for the Israel defence forces, but up to that time, they had found it difficult to recruit as many workers as were needed.

137. Economic production in the primary sector in El-Arish consisted mainly of fishing and date growing. The military authorities had granted permission for the resumption of fishing and were ready to send fish to the West Bank of Jordan.

(g) Civil servants of United Arab Republic origin

138. During his visit to El-Arish the Special Representative's attention was drawn to the presence of about 1,000 civil servants (together with their families totalling about 5,000 persons) who, it was stated, had originally been recruited from parts of the United Arab Republic west of the Suez Canal and who now wished to return to what they considered their homes.

139. Agreement had been reached that these 5,000 persons should be transferred to the West Bank of the Suez Canal. A first group had crossed the Canal, but the United Arab Republic authorities had detected some Palestinians among them and had subsequently stopped the whole project, requesting lists of the names of all officials wishing to return. These lists were immediately forwarded to the United Arab Republic authorities, but the movement of the civil servants from El-Arish across the Suez Canal had not been resumed since.

140. The Special Representative found the 1,000 officials concerned in a difficult position as they had received no salaries since the hostilities and on the other hand were not interested in taking new employment, since they believed they would cross the Suez Canal any day. Neither the Israel authorities nor any voluntary agency had taken steps to assist them for the same reason.

141. On 26 August the Special Representative discussed the problem in Cairo with United Arab Republic Government officials. He was informed that the United Arab Republic Government no longer wished any of these persons to cross the Suez Canal but wished them to stay in the occupied area so that their presence might bolster the morale of the population.

(h) United Arab Republic civil servants from Gaza

142. As mentioned before, some 290 United Arab Republic civil servants whose original duty station was in the Gaza area had been transferred to El-Arish pending their return to the Nile valley area of the United Arab Republic. Their families had already been allowed to cross the Suez Canal. The Special Representative visited the camp where they were being held. He found they were not under military guard; there was only a local policeman at the gate. The detainees stated that they were allowed to go to town in groups of up to twenty at a time.

143. During his meeting with the spokesmen of the detainees, they made some complaints about the quality of their food, the lack of mattresses, the poor accommodation and the absence of letters from their families. The Israel governor, who participated in the meeting, promised to look into these matters. The Special Representative was subsequently informed that improvements had been made.

144. The United Arab Republic Government strongly objected to the detention of this group of officials, for which it found no justification whatsoever. It also requested that they be allowed to rejoin their families now living west of the Suez Canal.

East Kantara

145. The information obtained by the Special Representative during his visit to East Kantara is set forth below.

(a) Water supply

146. In a letter dated 13 July 1967, addressed to the Secretary-General of the United Nations, the United Arab Republic Government informed him that the Israel forces had threatened to expel United Arab Republic citizens residing in East Kantara to the West Bank of the Suez Canal if the United Arab Republic Government refused to provide water to the part of the town situated on the East Bank. The United Arab Republic Government stated that the population of Kantara always depended on water from artesian wells in the city, and that additional water from the West Bank had in the past been furnished to the East Bank only to meet the needs of the United Arab Republic armed forces after they moved into Sinai.

147. On the occasion of the first visit of the Special Representative to Cairo, the question of water supply at East Kantara was discussed. The United Arab Republic Government reiterated that the civilian population of the eastern part of Kantara (normally about 15,000 inhabitants) had always used the water supplied by wells in the city, but it stressed that those wells had to be properly maintained. On the other hand, when the Special Representative visited refugees from Sinai in the United Arab Republic, some of those who had come from East Kantara stated that they had always received their drinking water from the West Bank of the Canal.

148. When the Special Representative visited East Kantara on 14 August, it was explained to him on the spot by the Israel authorities that the whole drinking water system of that part of the town was connected with and dependent on supply from the West Bank. Local inhabitants confirmed that this was the case. They stated that for decades water from local wells had been used only for watering gardens but that now they were forced to drink it. Even though they were boiling the water, the inhabitants were afraid that it was still not suitable for drinking.

149. During his second visit to Cairo, the Special Representative informed the United Arab Republic Government of his findings in East Kantara and suggested that they should resume pumping water across the Canal in sufficient quantity to supply the remaining civilian population only. If the Israel Government would agree to such an operation, the Special Representative would then see to it that the water was distributed to the civilian population under a system of reliable control. However, the representatives of the United Arab Republic did not respond favourably to this suggestion, since they felt it was the sole responsibility of the Israel authorities to provide the population in occupied areas with proper drinking water.

150. The Special Representative discussed this matter with the Israel authorities. They pointed out that water supply was a great problem also for the Israel troops, as drinking water had to be brought across the desert by tanker.

(b) Movement of population

151. The president of the municipality declared that out of a population of about 15,000, only 1,116 persons had remained. He informed the Special Representative that some 900 of them desired to be allowed to cross the Canal to the West Bank, In this connexion, the Israel military commander of the area informed the Special Representative that the Israel Government had no objection to the population leaving East Kantara if they so desired. This point was raised by the Special Representative with the United Arab Republic Government, which informed him that it wished the inhabitants to stay in East Kantara.

(c) Food

152. The Special Representative was informed by the population of East Kantara that there were shortages of certain foodstuffs in the town. Vegetables, fruits and meat, which they said were usually brought in from the West Bank of the Canal, were no longer available. All shops were closed and the Israel authorities had only supplied a few basic foods, namely, flour, sugar and tea.

153. The Israel commander recognized that some foodstuffs were in short supply in the area. He pointed out that the supply of food was also a great problem for the Israel troops in the area, since most of the commodities now had to be brought there across the desert from Israel in refrigerated trucks and were therefore strictly rationed.

154. During his visit to Cairo, the Special Representative took up this matter with the United Arab Republic Government. He suggested that the United Arab Republic Government might allow vegetables and fruits to be brought over the Canal, perhaps once a week; but the United Arab Republic Government declared that the responsibility for ensuring an adequate food supply rested with the occupying authority.

(d) Health

155. The inhabitants complained that it was not enough for an Israel doctor to be available only once a week. They pointed out that the hospital had been broken into and looted and was no longer functioning. There was no clinic and only two local nurses, neither of them qualified.

156. The Special Representative raised this matter with the Israel military commander of the area, who promised to look into the possibility of improving the medical facilities.

(e) Employment

157. The population of 1,116 persons consisted mainly of women and children. Some fifty to sixty men were employed with the United Nations observers or had found other remunerated employment in the area.

(f) Mail

158. The president of the municipality complained that the people were not receiving letters. The ICRC delegate was, however, going there to arrange the exchange of letters between the inhabitants and their relatives elsewhere.

III. SITUATION OF DISPLACED PERSONS FROM AREAS UNDER ISRAEL CONTROL AND THE QUESTION OF THEIR RETURN

Situation of displaced persons

159. The number of persons who had fled from the areas under Israel occupation during and after the June hostilities is roughly estimated at about 350,000. This figure includes:

(a) About 200,000 persons (of whom about 93,000 were refugees registered with UNRWA) who had moved from the West Bank to the East Bank in Jordan;

(b) About 110,000 persons according to Syrian sources and not more than 85,000 according to Israel sources (of whom about 17,000 were UNRWA-registered refugees) who had moved from the south-western corner of Syria, mainly to the areas of Damascus and Dera'a;

(c) About 35,000 persons (of whom 3,000 were UNRWA-registered refugees in the Gaza strip) who had moved across the Suez Canal from the Gaza strip or Sinai.

160. Immediately after the hostilities, emergency assistance was given to those displaced persons to alleviate their hardship. As the Commissioner General of UNRWA pointed out, this emergency assistance was a combined operation to which the Governments directly concerned, other donor Governments, the Red Cross and the Red Crescent, UNRWA, UNICEF, the specialized agencies, national and international non-governmental organizations and individuals in many parts of the world all made important contributions.

161. The assistance provided to the displaced persons included donations in cash, as well as donations in kind, such as tents, blankets, clothing, mattresses, kitchen utensils, food, milk, medicaments and vehicles. Some of this assistance was channelled through UNRWA and the Red Cross or Red Crescent organizations, and some was distributed by voluntary agencies. The Special Representative had discussed in some detail the assistance given to displaced persons and their needs with the Governments and organizations concerned with this problem. **These discussions** highlighted the importance of continuing and intensifying the assistance given to displaced persons. Certain pressing needs are set forth in the sections below. It should be pointed out that this question will also be dealt with by the Commissioner General of UNRWA in his annual report to the General Assembly.

(a) Needs in Syria

162. The Syrian Government took full charge of the displaced persons, with the assistance of the International Committee of the Red Cross, the World Food Programme, the Lutheran World Federation, UNRWA, etc., while UNRWA assumed responsibility for meeting the needs of the 17,000 displaced Palestinians already registered with it, with UNICEF's help in providing protein supplements.

163. The Special Representative reported that one of the most immediate and acute problems would be that of shelter, as about 80 per cent of the displaced persons were now accommodated in schools which should be vacated before the new school year. In connexion with this new emergency, the pressing needs would be for 200,000 blankets, 50,000 mattresses and 15,000 tents. The food situation might also become precarious when the present World Food Programme assistance ran out at the end of October.

164. The necessary clinics, sanitation facilities and social services would have to be established before the cold weather arrived and before health conditions deteriorated. New schools would have to be opened and supplementary feeding would be required for the next six to nine months.

165. Emergency feeding would probably be needed also for another three months and World Food Programme assistance in ensuring further supplies would be most desirable.

166. UNICEF had advised the Syrian authorities that it could provide further assistance in the form of equipment for clinics, supplementary feeding kitchens and schools, as well as assistance for sanitary facilities and drinking water supplies, sewing machines and possibly training aid for the production of children's clothing, and supporting transport if required. UNICEF also indicated that it could give consideration to providing assistance in the operation of supplementary feeding programmes, including the provision of vitamins and other dietary supplements, and, in case of special emergency needs, the supply of imported slotted angle-irons as a supporting framework for local structures to house the facilities mentioned above.

167. The Special Representative noted that, as the Syrian Government had received less external aid in the present emergency in proportion to the number of refugees than the other areas concerned, material and financial aid to carry out the necessary projects for shelter and community facilities would be needed.

168. In connexion with the import of relief supplied for Syria and also for east Jordan, the Special Representative was informed that since 5 June, vessels flying certain flags had been unable to discharge cargoes at Beirut. These relief supplies had therefore been unloaded at various other Mediterranean ports, entailing losses, delay and substantially increased costs. The Special Representative believed that this difficulty could result in the interruption of some refugee assistance projects at a most critical time.

(b) Needs in East Jordan

169. In this area, the Jordan Government and UNRWA had pooled their resources in a joint effort to assist the displaced persons. The World Food Programme and UNICEF, together with the Red Cross and other voluntary agencies, were also helping these persons.

170. The Special Representative noted that the new refugee camps which had been hurriedly set up coincident with the hostilities to provide shelter for the displaced persons were unsuitable for continued occupancy, particularly in cold weather. Improved shelters would have to be provided in substantial numbers, together with expanded facilities for health, education and social services.

171. To preserve the health of the children, adequate sanitation was urgently needed, including arrangements for refuse disposal. It would also be necessary to keep the children reasonably dry and warm. For this purpose, footwear, particularly rubber boots, additional blankets and warm clothing would be required. Supplementary feeding schemes in each camp would be necessary to provide at least one hot meal a day for the children.

172. Another urgent problem would be schooling for the children. Although Jordan was normally well provided with teachers, tents, to be used as school rooms, and textbooks were lacking.

173. The displaced persons who were living in the homes of friends or relatives constituted a group which had been overlooked until recently. The distribution of certain food-stuffs might alleviate the economic hardship incurred by their hosts, as they might have difficulties in feeding the relatives and friends they were housing.

(c) Needs in the United Arab Republic

174. During his stay in the United Arab Republic, the Special Representative visited several villages in the Liberation Province, where about 10,000 displaced persons had been given shelter. These villages were recently constructed as part of a vast land reclamation and settlement programme and were intended to house new agricultural communities at the beginning of the next agricultural season. The United Arab Republic authorities had made space available to displaced persons in these villages although this would interfere with the scheduled agricultural development in the area.

175. UNRWA, in agreement with the United Arab Republic Government, undertook to make food supplies available to the 3,000 Palestinian refugees from Gaza, and to contribute towards the provision of medical and sanitation services.

176. In addition, the World Food Programme was arranging for a programme of food assistance and the Pontifical Mission was planning a distribution of blankets, cooking stoves and clothing.

Return of displaced persons

177. In its resolution 237 (1967) the Security Council called upon the Government of Israel to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities.

178. The Special Representative devoted much of his time in the area to discussing this problem with the Government of Israel, the Governments of Jordan, Syria and the United Arab Republic, as well as the United Nations agencies and other international organizations. The information obtained by the Special Representative on this subject is set forth below.

(a) Displaced persons in Syria

179. The problem concerning the return of displaced persons was quite different in Syria from what it was in Jordan, for instance. The long-standing and intense antagonism between Syria and Israel permeated discussions on every issue and at any level. Moreover, the occupied area of Syria was now virtually empty and under military administration, so that there was no civilian organization to take care of

the arrangements for the reception of displaced persons in the case of their return, or to keep the issue alive by its sheer presence and activity.

180. During his discussions with displaced persons, the Special Representative found them divided on their desire to return. Some wanted immediate return, whether Israel continued to control the area or not. Others insisted on the prior condition of complete liberation of the territory from Israel occupation.

181. In their first discussions with the Special Representative, the Syrian authorities indicated their willingness to allow displaced persons to return to the area under Israel occupation. They designated two possible channels for discussion on the return of displaced persons: the ICRC and UNTSO. Later discussions indicated that the Syrian Government in fact strongly desired the immediate return of the displaced persons to their homes.

182. The Israel Government informed the Special Representative of its official attitude to the return of displaced persons to the occupied area in the following terms, applicable to both Syria and the United Arab Republic:

"Israel and Jordan have reached agreement for the return of residents to the West Bank. When talks are initiated with Syria and Egypt the Israel Government will be prepared to discuss with them any outstanding issues including the return of civilians who have left the territories under Israel control".

183. On the last visit of the Special Representative to Damascus on 29-30 August, the question of the return of displaced persons to the occupied area became the main topic of discussion. The Syrian Government advocated an intervention by the United Nations to negotiate such a return. Pointing out the agreement reached with the Government of Jordan on this subject, the Special Representative stressed that the Israel Government had not refused the return of displaced persons but had left the door open for discussions. Since the Government of Syria was not willing to enter into direct negotiations with Israel, and since the Special Representative was about to leave the area, he drew their attention to the possibility of pursuing this matter through the ICRC, which had acted with success as an intermediary between Israel and Jordan on the matter of the return of displaced persons.

184. In this connexion it should be mentioned that a return of the displaced persons in Syria would be a much more complicated and difficult operation than the return of the residents to the West Bank, since the occupied areas in Syria were

almost completely abandoned and had been so for a considerable period. More detailed and thorough planning would therefore be necessary, including the reconstruction of whole villages, as well as a major relief and rehabilitation programme.

(b) Displaced persons in Jordan

185. In early July the Government of Israel announced its intention of authorizing the return of displaced persons to the West Bank on certain conditions. In order to obtain the authorization to return, each head of family was to fill in an application form for himself and his family, and submit it with adequate identity documents. The date of 10 August 1967 was set as the deadline for the return.

186. Agreement was reached between the Israel and Jordan Governments through the ICRC acting as intermediary on a draft text for the application forms and the Israel Government undertook to print them. The forms as first printed carried a heading reading "State of Israel; Ministry of the Interior".

187. When the first batch of several thousand application forms with this heading was transmitted to the Jordan Government on 17 July, it returned them four days later as unacceptable. An Israel Government spokesman later explained to the Special Representative that the printing of official documents with this heading by the Israel State Printing Office was such a routine matter that in this case the heading was included in the application forms without prior explicit instructions from the Government authority concerned. All subsequent efforts to persuade the Israel Government to delete the heading or to accept the insignia of the Red Cross instead proved unavailing. Israel spokesmen accused the Government of Jordan of having unnecessarily made a political issue of what they considered a rather unimportant formality.

188. Meanwhile, the Israel Government insisted that in order to settle the many practical arrangements concerning the return of the displaced persons, direct contact with the Jordan representatives was essential. On 6 August, during a meeting at the Allenby Bridge, in which representatives of the Israel Government, the ICRC, and the Jordan Red Crescent participated, it was agreed to adopt a heading on the application forms mentioning the ICRC in the centre, the State of Israel on the left side and the Hashemite Kingdom of Jordan on the right. In addition, a

number of other problems were discussed, in particular, the question of the deadline for return set by the Israel Government. It was agreed that the new forms would be printed in Israel and transmitted by the ICRC to the Jordanian authorities, who would distribute them to the displaced persons. The distribution of the application forms began on 12 August. Subsequently, the Israel Government agreed to postpone the deadline for the return operation until 31 August.

189. On 18 July, before this operation began, some fifty families had already returned to the West Bank, following an Israel Government decision to allow the return of special hardship cases on that date.

190. After agreement on the application forms had been reached, information was received from the Jordan Government that it had transmitted through the ICRC about 40,000 applications, involving some 170,000 persons. According to the Jordanian authorities, the Israel Government approved, during the period of 13 through 28 August, only 4,763 applications, covering 16,266 persons. The first displaced persons under this scheme crossed the Jordan river on 18 August. On 9 September, the total number of those who had returned was given by Jordanian sources as 14,150 persons and by Israel sources as 14,056.

191. Later, the Israel Government claimed that "for reasons never satisfactorily explained by the Government of Jordan, the Jordanian authorities did not make full use of the permits issued, and only 60 per cent of the displaced persons who had been authorized to return did actually show up at the crossing points". It further claimed that it had opened two bridges across the Jordan river to receive returnees at the rate of 3,000 a day.

192. The Jordan Government asserted that the procedure insisted upon by the occupying authority had proved to be an impediment to a smooth functioning of the return operation, and mentioned in this connexion that only a fraction of the forms submitted had been approved and that only short notice, often of less than twelve hours, had been given of this approval on a day-to-day basis. The lists of approved cases submitted daily by the Israel authorities were said to cover, in a single document, refugees accommodated in several localities and camps, who then had to be contacted and transported to the crossing points over the Jordan river within a few hours.

193. The Jordan Government also complained that the Israel authorities sometimes approved the return of some members of one family while denying its approval to other members of the same family. Moreover, displaced persons were not allowed to bring with them all their personal belongings, such as their cars. These factors had had, according to the Jordanian authorities, a negative effect on the desire of displaced persons to return.

194. Finally, the Jordan Government claimed that the approvals given by the Israel authorities excluded UNRWA-registered refugees and those displaced persons accommodated in emergency camps on the East Bank as well as displaced persons originating from the areas of Jerusalem, Bethlehem and Jericho. These restrictions had made the organization and administration of the operation extremely difficult for the Jordanian authorities and this was the main reason why many displaced persons authorized to return did not actually appear at the crossing points.

195. The Jordan Government expressed through many channels its insistence on the inalienable right of every displaced person to return to his home and on the necessity of extending the deadline beyond 31 August.

196. The Special Representative considered that, even without the many initial difficulties which were bound to arise during such an extensive and delicate operation, the deadline set by the Israel Government could not have allowed the return of all those who wished to do so. Even if the potential daily rate of 3,000 returnees mentioned by Israel had been reached every day during the period of 18 through 31 August, only some 35,000 displaced persons could have returned.

197. In a letter to the Secretary-General dated 16 August, the Israel Government asserted that while it was directing its efforts to alleviating the consequences of the hostilities in order to bring back normalcy and to restore peaceful conditions, including the return of displaced persons to their former homes, the Government of Jordan was conducting a campaign of increasing violence, vituperation and direct incitement, both of the prospective returnees and of the Arabs in Israel-controlled territories.

198. The Israel authorities repeated these allegations to the Special Representative during his stay in Israel and claimed that the alleged attitude of the Jordan Government seriously impeded the whole question of the return of the displaced persons. After a short visit to Amman, the Special Representative brought to the

Israel Government the assurance that the Jordan Government wished to proceed with the return operation in an atmosphere of restraint and in accordance with humanitarian principles.

199. In a note dated 24 August addressed to the Permanent Representative of Israel, (see A/6789, S/8133), the Secretary-General requested the Government of Israel to extend the deadline for the return of displaced persons beyond the date of 31 August. In a reply dated 11 September (see A/6795, S/8153), the Permanent Representative of Israel informed the Secretary-General that the Government of Israel had decided:

(a) To allow former West Bank residents holding previously issued permits who were unable to make use of them before 31 August to return to their former homes within a fixed period of time. Arrangements to this effect were being made.

(b) To authorize the Israel authorities to accept applications from residents of the West Bank for the reunion of their families. Such applications would be reviewed in each case by the Israel authorities with sympathetic consideration.

(c) To study individual applications based on conditions of special hardship.

(d) To discuss with UNRWA representatives in Israel ways by which Israel might contribute to a solution of the urgent problem arising from the adverse physical conditions in the camps now occupied by those who were previously UNRWA refugees, particularly in the Jericho camps.

It should be noted that the category of displaced persons referred to under point (a) above would include 4,086 persons according to Jordanian estimates and 6,602 persons according to Israel estimates.

(c) Displaced persons in the United Arab Republic

200. The displaced persons whom the Special Representative met during his visit to the United Arab Republic all expressed their desire to return to their homes. The governor of the Liberation Province stated that upon their arrival in the land reclamation project he had offered free plots of land to some displaced persons but that they had refused, insisting on their desire to return to their areas of origin. It may be noted in this connexion that some of these displaced persons, particularly bedouin families from the Sinai peninsula, had no agricultural experience.

201. The official position of the Israel Government concerning the return of displaced persons from the United Arab Republic is similar to that concerning displaced persons in Syria and has been set forth earlier in this report (see paragraph 182).

202. The Government of the United Arab Republic, in its second round of talks with the Special Representative on 26 August, held the view that discussions concerning the return of displaced persons should be initiated by the Special Representative in pursuance of Security Council resolution 237 (1967), while the ICRC might assume responsibility for the practical implementation of any agreement reached on this subject.

IV. TREATMENT OF PRISONERS OF WAR

203. In paragraph 2 of its resolution 237 (1967), the Security Council recommended to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war contained in the Geneva Conventions of 12 August 1949.

204. Under the Geneva Conventions it is incumbent on the ICRC to work for the faithful application of these conventions and to take cognizance of complaints regarding alleged breaches of the conventions and to endeavour to ensure the protection of and assistance to prisoners of war. Consequently the Special Representative kept in close contact on this question with the ICRC headquarters in Geneva, with the Regional Representative of the ICRC stationed in Cyprus as well as with its representatives in Israel, Jordan, Lebanon, Syria and the United Arab Republic and had ample opportunity to appreciate the untiring efforts of these officers in pursuing their delicate mission.

205. In this connexion it should be stressed that the ICRC had, in view of the increasing tensions in the Near East, already sent representatives about ten days before the outbreak of hostilities to Amman, Beirut, Cairo, Damascus and Tel Aviv, and that this organization was therefore on the spot from the very beginning of the conflict and has been there ever since to verify the application of the Geneva Conventions. On the whole the ICRC has, as far as is known to the Special Representative, been able to play in the area of conflict its important role as agent and neutral intermediary.

206. Jordan, Syria, and the United Arab Republic, in letters to the Secretary-General of the United Nations accused Israel of inhuman acts against, and maltreatment of, prisoners of war from their countries and also of executions of prisoners of war. Israel denied these allegations in letters addressed to the Secretary-General. It also expressed grave concern over the treatment and conditions of the Israel prisoners of war in the Arab countries, alleging that public lynching of Israel pilots had taken place in the United Arab Republic and that of two Israel pilots brought down over Syrian territory during the war, one had been murdered and the other mutilated.

207. The Special Representative was not in a position to investigate any of the above accusations, which referred to events alleged to have taken place well before his arrival in the area, but he paid a visit to the remaining prisoner-of-war camps in Israel and the United Arab Republic and gathered the impression that the treatment of prisoners was correct on both sides. The contact between the prisoners of war and their families had been established, after some initial difficulties, through the ICRC and on both sides they had received mail and parcels, all of which had helped to bolster the morale of the prisoners, who were extremely unhappy about the slow pace of the negotiations concerning their exchange.

208. An exchange of prisoners of war had been successfully concluded through the ICRC between Israel on one side and Jordan, Syria and Lebanon on the other. Negotiations between Israel and the United Arab Republic concerning an exchange were continuing through the intermediary of the ICRC but had apparently not yet led to any agreement.

209. Israel stated that it had returned some 200 wounded prisoners of war to the United Arab Republic, and immediately after the cease-fire had carried out an extensive operation, in which the ICRC also took part, aimed at tracing and assembling those United Arab Republic soldiers who were scattered all over Sinai and in great distress. According to Israel sources, some 12,000 soldiers were allowed to return to their country and were not taken prisoner.

V. THE QUESTION OF THE TREATMENT OF MINORITIES

210. In paragraph 2 of its resolution 237 (1967), the Security Council recommended to the Governments concerned the scrupulous respect of the humanitarian principles governing the protection of civilian persons in time of war contained in the Geneva Convention of 12 August 1949.

211. Certain information concerning the safety, welfare and security of the civilian population in or from Arab territories at present under Israel control and the situation of the prisoners of war is presented in other chapters of this report.

212. Since the outbreak of the recent hostilities, Israel has expressed concern about the treatment of Jewish minorities, particularly in certain Arab States. Upon his arrival, the Special Representative was approached on this subject by the Israel Government. The Special Representative, not being sure whether this particular humanitarian problem should be inquired into under his terms of reference, consulted the Secretary-General. The Secretary-General informed him that the provisions of Security Council resolution 237 (1967) might properly be interpreted as having application to the treatment, at the time of the recent war and as a result of that war, of both Arab and Jewish persons in the States which are directly concerned because of their participation in that war.

213. Since this particular aspect of the protection of civilian persons in time of war could be taken up only towards the end of his stay in the area of conflict, the Special Representative had very little time for discussion or investigation of the actual situation of minorities.

214. On 17 August, i.e. shortly before his return to New York, the Special Representative requested, in writing, the Governments of Israel, Syria and the United Arab Republic, information on the treatment and protection of Jewish persons in Syria and the United Arab Republic and of Arab persons in Israel. He stressed that it would be particularly helpful for him to know how the personal and property rights of such persons had been affected by the recent war, how many of them might have been and continued to be confined and for what reason, and whether they were free to leave the country in which they were resident.

215. The Government of Israel, in a letter dated 27 August, informed the Special Representative that, according to Special Emergency Defence Regulations, forty-five Arab citizens considered as security risks had been placed in detention on the outbreak of the war. Most of these had been released by 18 June and the others twelve days later. Moreover, a curfew from 1900 hours to 0500 hours had been ordered in one or two areas contiguous with Israel's border with Arab territory, and for exit from those areas a special permit had been required. All these precautions had, however, been rescinded on 21 June.

216. Except for the above security measures, there had been, according to the Israel Government, no discrimination against Arab citizens: their property rights had been fully upheld and respected and they were at liberty to leave the country whenever they so wished.

217. For reasons explained above, the Special Representative was not able to look into this particular problem extensively while visiting Israel. In Arab countries, the Special Representative heard allegations that the Arabs in Israel were looked upon and treated as second class citizens. Against this, the Israel Government maintained that the Arab citizens of Israel, in peace-time or in war, were treated in the same way as the rest of the population and that there was no discrimination against them.

218. During his last visit to Cairo, the Special Representative raised the question of the Jewish minority in the United Arab Republic with the United Arab Republic Government, which had just received his letter on this subject. The United Arab Republic Government expressed the firm opinion that the Security Council resolution did not apply to the Jewish minority in the United Arab Republic and requested clarification on this interpretation before replying to the letter of the Special Representative. The United Arab Republic Government pointed out in this connexion that the Jewish minority in the United Arab Republic consisted of three categories. First, those of foreign nationality or origin, for example, French and Italian citizens, who were looked after by the ambassadors of their countries of origin. Some of this group had left the country already. Secondly, the stateless Jews. These were under the mandate of the United Nations High Commissioner for Refugees, who has an office in Cairo. Thirdly, Jews of Egyptian nationality. These were, so it was maintained, solely the responsibility of the United Arab Republic Government.

219. The Special Representative indicated that there were persistent allegations that 500 to 600 Jewish men (the Jewish minority in the United Arab Republic is estimated at about 2,500 persons) had been kept in detention since the beginning of the war, and held incommunicado, although allowed to correspond by letter with their families and to receive relief assistance, and moreover that the property of the Jews in Cairo had been confiscated.

220. The Secretary-General also took up this question with the Permanent Representative of the United Arab Republic in New York and received essentially the same response as the Special Representative. The Secretary-General raised this question also with the Permanent Representative of Israel, who assured the Secretary-General that if his Special Representative approached the Government of Israel on the matter, he would find the Government responsive.

221. During his last visit to Damascus on 29-30 August 1967, the question raised by the Special Representative in his letter to the Syrian Government on the Jewish minority in Syria was discussed at some length. Pending a written answer to this letter, the Government explained that they welcomed the chance to assure the Special Representative that the Jewish minority in Syria, numbering about 4,000 and mainly concentrated in the cities of Damascus, Aleppo and Kamishli, was treated in exactly the same way as other Syrian citizens. As among the Christian and Moslem population, there were among the Jews certain individuals who were under suspicion for anti-Government activities and were therefore restricted in their movements for security reasons. Otherwise they had the same freedom of movement and of work as other Syrian nationals.

222. The Special Representative was invited to visit some Jewish shops, and during a tour of the shopping district of Damascus in the company of officials of the Ministries of Foreign Affairs and the Interior he saw a number of Jewish shops which all seemed to be working normally.

VI. CONCLUDING REMARKS

223. This report gives a wide-ranging impression, which clearly could not be exhaustive, of the problems, the sufferings and the condition of the peoples in the areas of the Near East affected by the hostilities of last June. This tragic human aftermath of war is a world-wide responsibility and must touch us all.

224. The report leaves no room for doubt about the grave hardships which the peoples affected have undergone, and it is clear that in many places hardship and distress on a large scale continue. I hope very much that the Governments concerned will find it possible to divorce the purely humanitarian aspects of the situation in the Near East from the political and military aspects, so that measures to relieve the suffering of the innocent civilians involved can be taken with humanitarian considerations mainly in mind. It would be doubly tragic if the victims of the war should continue to be victims of the animosities and tensions of the parties to the conflict and if efforts to alleviate their sufferings were rendered ineffective by any spirit of retaliation or vindictiveness. It is clear from the report that the Governments concerned have themselves exerted efforts to help the people affected by the war. I very much hope that, pending some more basic settlement, these efforts can go forward and be increased. UNRWA's efforts also have now become more indispensable than ever, and I hope that co-operation with UNRWA in the area itself as well as support for it from outside will be commensurate with the new challenges which UNRWA now has to face.

225. I wish to express my appreciation to all the Governments that have made voluntary contributions of one kind or another to aid the distressed peoples of the Near East. Many of these voluntary contributions are set forth in detail in document A/6792 and Add.1. I would also like to record my appreciation and admiration to the many voluntary and national agencies which have given practical succour to the afflicted peoples of the Near East in this tragic time. In expressing these sentiments, I feel it my duty to point out that the onset of winter will greatly increase the sufferings of many and that more assistance of almost all kinds is still urgently required. I appeal to all Governments, and to voluntary agencies as well, to continue to contribute to the humanitarian task which faces the international community in the Near East.

ANNEX I

Itinerary of the Mission of the Special Representative
(11 July - 1 September 1967)

- 11 July - Arrival at Beirut by air from New York.
- 16 July - Beirut - Damascus by car.
- 17 - 18 July - Visits to refugee camps in and around Damascus.
- 18 July - Damascus - Amman by car.
- 20 July - Visits to refugee camps in the Jordan Valley close to Allenby Bridge, Karameh, Salt and a new camp in the desert north of Amman.
- 20 July - Amman - Beirut by air.
- 23 July - Beirut - Jerusalem via Tel Aviv by car.
- 24 July - Jerusalem - Nablus - Jerusalem by car. Visit to the Old City of Jerusalem.
Visit to camps at Kalandia and Amara.
- 25 July - Jerusalem - Tel Avia - Jerusalem by helicopter. Visit to POW camps at Atlit.
- 26 July - Jerusalem - Tel Aviv by car.
Tel Aviv - Nicosia by air.
Meeting with the Chief Delegate of ICRC in Nicosia.
- 27 July - Nicosia - Cairo by air.
- 28 July - Cairo - Liberation Province (north-west of Cairo) - Cairo by car.
Visit to refugee camps.
- 29 July - Cairo - Beirut by air.
- 4 August - Beirut - Amman by air.
- 6 August - Amman - Jerusalem via Allenby Bridge by car.
- 8 August - Jerusalem - Safad by air.
Safad - Kuneitra - Majd-el-Shams - Safad via Banyas and Tel Azzaziat by car.
- 9 August - Safad - Jerusalem via the kibbutzim of Lehavot Habashan, Gadot and Tel Katzir by car.
- 11 August - Jerusalem - Hebron - Beitaua - Bethlehem - Jerusalem by car.

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- 12 August - Special Representative:
Jerusalem - Amman - Jerusalem via Allenby Bridge by car.
Assistant to the Special Representative:
Jerusalem - Qalquiliya - Beitnuba - Yalu - Imwas -
Jerusalem by car.
- 13 August - Tour of the outskirts of the Old City of Jerusalem.
- 14 August - Jerusalem - El Arish - El Kantara (Sinai) - Ashqelon by
helicopter.
- 15 August - Ashqelon - Gaza - Jabalia - Jerusalem by car.
- 17 August - Jerusalem - Beirut by car.
- 25 August - Beirut - Cairo by air.
- 27 August - Cairo - Beirut by air.
- 29 August - Beirut - Damascus by car.
- 30 August - Damascus - Beirut by car.
- 1 September - Departure from Beirut for New York.

ANNEX II

Aide-memoire submitted to the Special Representative
by the Jordanian authorities

1. At the meeting held today in the office of the Prime Minister in Amman attended by Mr. Gussing and his aides on the one hand, and members of the Ministerial Committee for Refugees' Affairs on the other, a complete review was made of the background, causes and development of the refugee problem involving about 215,000 Jordanian nationals who were displaced from their camps, villages and towns on the West Bank of Jordan.

The review included also measures taken by the Jordanian authorities in collaboration with UNRWA and with the help of sister and other friendly countries to provide whatever measure of relief was possible and practicable under very different circumstances of influx of large numbers of refugees during the Israeli aggression and directly thereafter with very limited supplies of tentage, blankets, foodstuffs and medicines at the disposal of the authorities.

2. The Jordanian Government hastened to set up a Ministerial Committee composed of the Ministers of Finance, National Economy, Education, Social Welfare, Health and Reconstruction and Development as well as the Director of Public Security and the President of the Jordan Red Crescent Society. This group was to be joined at a later stage by two representatives of the private sector and the Governor of Amman. This Committee organized relief work and controlled all stocks of contributions in kind on receipt and distribution. It also conducted through sixty-two centres throughout the East Bank which were managed by committees consisting of civil servants and UNRWA officials, a registration of those refugees who were mainly housed in schools, social centres, public buildings and mosques, living in a very unhygienic manner, mixed up in a socially unacceptable manner and overcrowded with very poor nutrition especially for children. The registration date set for 1 July 1967 was announced ahead of time to all, but particularly for the purpose of those who were not in such public buildings but had stayed with other refugees in camps around Amman, Zerka and Irbed or had no shelter at all, and stayed in the open fields. The forms they filled in triplicate (copies presented at meeting) contained many details about the family whose head filled the form after being cautioned against untruthful statements. It contained items

relating to previous registration card with UNRWA, place of residence and such other relevant information. Once the registration was completed, the refugees were taken to the eleven camps set up by the Government, in respect of six of which UNRWA had accepted to take managerial and maintenance responsibility. These camps were located at: Souf, Zezia, Wadi Dhuleil, Ma'an, Tafeeleh, Kerak (on the highlands), and Karameh, Shuneh, M'adi, Deir Alla and Wadi El-Yabis (in the Jordan Valley). Those camps that were not taken by UNRWA were managed by the Government with help in certain respects from UNRWA.

The result of the registration showed a total of 177,165 refugees but did not include a large number who were not registered. The number registered is estimated to be 70 per cent of the total number of refugees and displaced persons.

3. It can hardly be said that, in spite of all the efforts on the part of both the Government and UNRWA, the general conditions of the refugees was in any manner or description satisfactory. It is true to say, however, that their problem continues to be humanitarian, social and political of an undefinable magnitude. The Jordan Government had noted with satisfaction the Security Council's resolution No. 237 adopted at its 1361st meeting on 14 June 1967, and had on more than one occasion made appeals to the Secretary-General to ensure the implementation of said resolution:

A. With respect to total or major destruction by the Israel attacking forces, whether during combat or after the cease fire, of many Jordanian towns and villages on the West Bank of Jordan including but not limited to: Kalkilya, Beit Nuba, Imwas, Yalu, Beit Aou, Nuba, Khares, Idna, Soureef as well as the Magharbeh Quarter and Sa'diyah Quarter in the City of Jerusalem.

All of this resulted in making homeless and destitute all the innocent civilian dwellers and inhabitants of these places, turning them into helpless refugees and displaced persons. A visit by Mr. Gussing to these places is most important to establish the facts with regard to the damage caused by Israeli forces.

B. With respect to returning the refugees who have fled from the West Bank of Jordan since the outbreak of hostilities to their homes, camps, towns and villages.

4. The UNRWA COMMISSIONER GENERAL put out his report on "HUMANITARIAN ASPECTS OF THE SITUATION IN THE MIDDLE EAST" on 18 June 1967 and his second report on 4 July, which has since been issued as a United Nations General Assembly and Security Council document. Both of these reports showed clearly the pitiful condition in which the peaceful inhabitants of the West Bank of Jordan had found themselves and in some cases becoming "refugees square" (for the second time", since 1948.
5. The Government of Jordan has consistently maintained that the West Bank of Jordan, which was under temporary and forcible military occupation by the Israeli army, was an inseparable part of the territory of the Hashemite Kingdom of Jordan, and that the right of those who have been displaced from their lands and homes to return thereto and to maintain possession and ownership thereof was an established and inalienable right. It appealed to the inhabitants of the West Bank still resident there to stay in their homes and lands, and made continued appeals to the United Nations for the return of the refugees who moved from the West Bank or who have been displaced therefrom.

On 3 July and after the Israeli announcement of 2 July, the Jordan Government reiterated its stand as above described and conveyed it again officially to the Secretary-General through the Jordan Permanent Delegate at the United Nations.

Then followed the General Assembly's resolution on Humanitarian Assistance adopted on 4 July, which welcomed with great satisfaction the Security Council's resolution 237 (1967) of 14 June.

6. Cables were exchanged between the International Committee for the Red Cross and the Jordan Government between 5 and 7 July regarding setting up two pedestrian and two transport bridges on the River Jordan for the purposes of returning refugees and displaced persons. The Jordan Government gave all the approvals required on very practical and reasonable conditions.

7. Continued consultations were maintained by the Jordan Government with the Commissioner General, Deputy Commissioner General and the Representative in Jordan of UNRWA for the purpose of administering relief to UNRWA registered refugees who moved to the East Bank from the West Bank of Jordan, as well as to other displaced persons. The Government also paid a great deal of attention in said discussions to:

A. Deteriorating conditions of inhabitants of the West Bank of Jordan, where the economy has been paralysed, a shortage of food approaching hunger was becoming a threat, means of transportation were confiscated by the occupying forces, and there is no circulation of money due to confiscation by occupying forces of cash on hand at the Jordanian banks who were closed for business by these forces.

B. Return of the refugees and other displaced persons who moved from the West Bank of Jordan during and as a result of the hostilities.

Similar contact was being maintained with the President of the International Committee for the Red Cross, the League of Red Cross Societies and the Red Cross delegates in Jordan. A meeting was held by top Government officials and the President on 15 July in Amman.

8. The Jordanian stand has always been very clear:

A. The West Bank has been and continued to be an inseparable part of the land and territory of the Hashemite Kingdom of Jordan inhabited by citizens of the Kingdom.

B. The right of the refugees and other displaced persons to return to their homes and lands in the West Bank of Jordan was sacred, undisputable and inalienable. It is a right that stands no condition and should not be subject to any.

C. The return of the refugees and other displaced persons in exercise of the right above mentioned should be under the supervision of the ICRC and any request for such return by the families should be made to the ICRC, who is fully empowered by the Jordan Government to satisfy itself of the identity and place of residence on the West Bank of the refugees and displaced persons in addition to verification of any other information regarding any of the refugees. The Government is willing to facilitate the work of the Red Cross to the utmost.

D. The occupying forces should return to their rightful owners all properties confiscated whether in the form of transport vehicles, other material assets and all monies confiscated unlawfully and forcefully from Jordanian banks in the West Bank of Jordan which amounted to about JD 600,000.

E. As very few refugees have ever had an identity card issued them and even fewer were able to bring with them any identification papers in the very difficult circumstances of their influx and flight from the West Bank, it was proposed to the Red Cross:

- (i) The forms customarily used by the Red Cross for such repatriation operations are acceptable to the Jordan Government. This is a humanitarian operation and should not form a part of any political involvement.
- (ii) To have UNRWA issue certificates for those who have been UNRWA registered refugees in the West Bank and who had received UNRWA rations in May 1967, and were eligible for such rations in May 1967, and were eligible for such rations on 5 June 1967.
- (iii) To accept the 1 July registration form filled and certified as stated in paragraph 2 above as adequate evidence of the status and place of residence of persons other than UNRWA registered refugees in respect of whom UNRWA certificates would be issued as in (ii) above.

F. The Jordan Government would like to provide the returning refugees with some food-stuffs and some cash for their livelihood and this should be facilitated by the Israel Authorities.

G. The Jordan Government has arranged with UNRWA for administering relief assistance to the returning refugees en route to their camps and at their camps after return thereto. Also an international appeal has been made through the Red Cross for urgent relief assistance to other inhabitants of the West Bank who live under very difficult economic, political and social conditions.

H. The Jordan Government is attempting at making some suitable arrangements for the reopening of Jordanian banks on the West Bank under the auspices of the IMF in order to serve Jordanians in rehabilitating economic activities on the West Bank pending withdrawal of the occupying forces from Jordanian territory.

ANNEX III

Aide-memoire prepared by the Jordanian authorities concerning talks held with the Special Representative by the Minister of Foreign Affairs and the Minister of National Economy of Jordan, in Amman, on 5 August 1967

1. This meeting took place at the office of the Minister for Foreign Affairs at 10.15 a.m., and was followed by another meeting between Mr. Gussing and the Prime Minister.

Mr. Gussing was desirous of reviewing developments that have taken place since his last visit to Amman which ended on 19 July, and stated that he intended to go over to the occupied territory on Sunday, 6 August, for a more extensive visit.

2. The viewpoint of the Jordan Government was stated as follows:

A. The Government is still desirous of repatriation of the refugees and other displaced persons who have moved over to the East Bank from the West Bank of the Hashemite Kingdom of Jordan during, since and because of the Israeli aggression of June 1967.

The Government has done all it could to have this humanitarian operation successfully effected, including authorizing the Jordanian Red Crescent Society and the International Committee for the Red Cross to take all measures and steps in accordance with their conventions and principles of International Law (with special relation to inhabitants of occupied territories), to return the refugees and displaced persons to their homes, towns, villages and camps on the West Bank, presently under temporary military occupation.

The Government, therefore, hoped that Mr. Gussing will continue his efforts to achieve this end in fulfilment of the Security Council's resolution of 14 June 1967 (No. 237/1361). The Government being ready to facilitate his work, affirms its previous stand in welcoming Mr. Gussing to visit any part of the country and to meet whomever he finds necessary to meet and talk to, but it feels it is only proper not to allow such rightful return to Jordanian territory by the refugees and displaced persons who are all citizens of the Kingdom, nor such a humanitarian operation to form part of any political involvement.

Equally, the Government of Jordan felt that it was most essential for Mr. Gussin to be given the freedom and opportunity to visit all places and to meet all people in the West Bank of Jordan whom he deems would contribute towards better enabling him to report more fully to the Secretary-General regarding the situation on the West Bank and the conditions under which its inhabitants are today living. This would particularly be true in the case of the towns and villages wholly or partially demolished by the occupying forces (paragraph 3 A, page 2 of the Aide Memoire dated 19 July). Equally important would be the visit by Mr. Gussing to the detained personalities whose matter will be alluded to hereinafter.

It was promised that Mr. Gussing would be informed of the outcome of Jordan's discussions with the Red Cross as soon as possible. (Mr. Gussing was given a fuller and up to date briefing by the Chairman of the Ministerial Committee for Refugees Affairs during the course of the evening.)

3. Mr. Gussing's attention was drawn to the unlawful detention and expulsion by the military forces in the occupied territory of leading Jordanian citizens in Jerusalem, some of whom are high Government officials, and other professional personalities.

The following have been detained and/or expelled to other parts of Palestine:

- (i) Mr. Anwar Al-Khatib, Governor of Jerusalem.
- (ii) Dr. Daoud Al-Husseini, one-time a Member of Parliament.
- (iii) Mr. Ibrahim Bakr, an advocate and member of the Jordan Bar.
- (iv) Mr. Abdul Muhsin abou Meizer, an advocate and member of the Jordan Bar.

The Government takes the firm stand that the action in respect of the above gentlemen is highly illegal, contrary to recognized principles of International Law and contravenes both The Hague Rules and the Civilian Convention of Geneva. It is, in addition, in direct conflict with paragraph 1 (a) of the Security Council resolution No. 237, whereby Israel was called upon "to insure the safety, welfare and security of the inhabitants of the area where military operations have taken place".

4. Mr. Gussing's attention was also drawn to the attempts by the military authorities in the Occupied Territory to require Jordanian teachers to fill forms by or before 6 August 1967, which provide for a statement by the teacher filling such form to the effect that his "previous nationality was Jordanian" and "present nationality is Israeli". This is absolutely and flagrantly contrary to Rule 45 of The Hague Rules of 1967, whereby it has been forbidden to force the inhabitants of the Occupied Territory to swear allegiance to the occupying force.

5. The same treatment meted to the teachers has also been attempted at:

A. Judges of the courts of justice, who have been required to owe allegiance to the occupying forces, who have been required to sit in Ramallah while their normal area of jurisdiction under existing Jordanian laws is in Jerusalem, and whose working conditions was being made so impossible that they cannot exercise justice in accordance with the laws of the land.

B. Doctors and other professional people whose working conditions were being made impossible, especially in the case of doctors where the question of allegiance and extremely poor pay combine to cripple their most needed services to the inhabitants.

6. In addition, the Occupying forces have announced their intention to change the curriculae and teaching programmes at the schools in the West Bank of Jordan while it is also a recognized principle of International Law that schools and educational establishments must be permitted to continue their ordinary activities, and the occupant is bound to facilitate the proper working of all institutions devoted to the care and education of children. Kindly refer to article 50 of the Geneva Convention "The Civilian Convention" of 1949.

7. All the above being basic aspects of the welfare of the inhabitants of the West Bank, the Government "requests the intervention of Mr. Gussing, to seek an end to such unlawful measures", which might lead to injurious results harmful to the whole population of the West Bank of Jordan including Jerusalem.

8. The illegality of all actions taken by the occupying forces with regard to Jerusalem was also discussed. It was becoming very apparent that these forces were not getting any response or co-operation from the people of the city in respect of such illegal acts. On the other hand, such acts have prejudiced

the safety and well-being of the inhabitants. Some attempts have been made at changing existing Jordanian laws, imposition of taxes and customs duties on goods coming into the city from other parts of the West Bank of Jordan, in addition to other arbitrary and illegal measures, with the result of causing extreme hardships, obstructing and disrupting the minimum of economic activities and causing unemployment.

It was requested, therefore, that such a situation should "receive the attention and care" of Mr. Gussing as touching on the welfare of the inhabitants. It will also be brought to the attention, at a later stage, of the United Nations Secretary-General's Personal Representative for Jerusalem.

ANNEX IV

Statement on the situation on the West Bank by an official
Jordanian spokesman, submitted to the Special Representative
by the Jordanian authorities

1st August 1967

An official Jordanian spokesman announced the following:

The occupying authorities broadcasted that they have carried out an economic survey on the West Bank of the Hashemite Kingdom of Jordan in which they claimed that the Jordan Government has not invested in the West Bank except one third of total investments and that it adopted other economic discriminatory measures against Jordanian nationals in the West Bank.

The Jordan Government declares that all these claims constitute a clear distortion of facts and falsification of the simplest principles of economics and do not represent except cheap intrigue meant to create confusion and cover up for the enemy's responsibility for stagnating the economic conditions in the West Bank by various means and pressures so as to destroy economic, construction and touristic activities, thereby creating unemployment, decreasing output and income and throttling business activity.

The Jordan Government views and continues to view the Kingdom with its two Banks as constituting one entity from the political, economic and social aspects. On the basis of this principle it has formulated, financed and implemented plans to develop all of Jordan's human, natural and economic resources with the aim of raising living standards of its people wherever they are and without any discrimination whatsoever, with special emphasis on the development of all these resources in order to increase income and production and create additional employment opportunities without neglecting the development of social sectors such as health, education and social welfare. In addition, adequate attention has been given to road construction, public utilities and other social services which would support the development of productive sectors and strengthen its effectiveness.

As it is well known to international economic circles, Jordan has faced since 1948 tremendous obstacles consequent to the Israeli aggression which resulted

in the influx of one million Palestinian refugees. This has led within few months to tripling the population of the Hashemite Kingdom of Jordan without a proportionate increase in the country's resources. Moreover it has necessitated complete rerouting of Jordan's trade and lines of communication. Notwithstanding all these problems, Jordan has, under the wise and dedicated leadership of H.M. King Hussein and efforts of its people, achieved rapid economic growth. Gross National Product has risen from JD 52 million in 1954 to JD 187 million in 1966 thereby raising per capita income from JD 37 in 1954 to JD 95 in 1966.

In spite of the non-stable conditions in the Middle East engendered by the continuous encroachments and acts of aggression by the Israeli forces of evil, the profound confidence of Jordanians in the growth and prospects of Jordan economy has been the major incentive underlying their participation in the development of the various sectors of the economy by investing their savings which raised the proportion of capital formation to gross national product from 10 per cent in 1954 to 16 per cent in 1966. The role which the Government exercised in this respect has contributed significantly towards strengthening this confidence through the maintenance of financial and monetary stability as well as the creation of close co-operation between the public and private sectors towards attaining the objectives of comprehensive development.

According to official statistics, the direct contribution of the West Bank amounted to 40 per cent of gross domestic product, and about 50 per cent of gross national product if the appropriate economic components were taken into consideration. This plainly refutes the figures given in the misleading report which was broadcasted by the occupying forces. Therefore per capita product in the West Bank is higher than was cited in the referenced report.

Moreover available data indicate clearly that investment by the private and public sectors was almost equal in both Banks. For example, investments in the West Bank of the Kingdom represented about 95 per cent of total investment in tourism, 60 per cent of private constructions, 52 per cent of Government buildings, 48 per cent of municipal and rural development schemes and 44 per cent of highways and roads.

The Government of Jordan has, through its financing agencies, provided necessary funds to develop the agricultural sector in the West Bank in accordance with a sound and well conceived plan. This led to the prosperity of this sector and expanded production whereby it produced 87 per cent of the country's production of olives, 80 per cent of fruits and 45 per cent of vegetables. This has been achieved in spite of the fact that the agricultural area of the West Bank does not exceed 28 per cent of the total cultivated area in the Kingdom.

The Government has also established and financed 239 co-operative societies in the West Bank out of a total of 464 societies in the Kingdom. In addition investments have been made in irrigation, water supply, and electricity projects. The implementation of Jordan's electrification plan has been commenced and its aims at providing electric power to all villages in the Kingdom with population exceeding 2,000 inhabitants by 1970. Similarly work was underway on the expansion and improvement of the Jerusalem Airport and the construction of a modern highway connecting Jerusalem and Bethlehem. These two projects were planned to be completed this year had it not been for the Israeli aggression.

Industrial planning in Jordan, as is the case with other countries, is based on sound economic bases, and thus Jordan industries have been established in the various parts of the Kingdom in a way befitting the conditions of each industry and the attainment of its economic and technical feasibility so as to contribute to the development of the Kingdom as a whole giving equitable employment and ownership opportunities for all Jordanians.

There is no doubt that all attempts by the enemy to distort facts and spread confusion are doomed to failure particularly since all citizens in both Banks are aware of the extent of the joint efforts by the Government and the public which were made and continue to be made in the various fields of economic and social development which have effectively contributed in raising living standards and income to all Jordanians.

Our citizens in the West Bank have experienced all means of enemy twisted propoganda which aims at diverting the attention of the people from the indisputable fact of the unity of Jordan soil and their deep faith in the national, social, economic and political ties which unite all Jordanians together in one family and with one goal in mind, namely, the invincibility of the Hashemite Kingdom of Jordan and its prosperity as an indivisible part of the Arab World.

First aide-memoire submitted to the Special
Representative by the Israel authorities on
the situation on the West Bank

ECONOMIC ACTIVITIES

Some characteristics of West Bank economy

The West Bank had almost half of Jordan's population (900.000 out of two million) but it accounted for only one-third of the output. Average income in Transjordan was U.S. \$335 per person; in the West Bank only U.S. \$ 216. One cause was the bias in investment policy, another the presence of refugees. Of U.S. \$84 m. invested in 1966, two-thirds went to Transjordan, seat of all the country's sizeable industries, such as oil refining, cement and phosphates. On the other hand economic activity in the West Bank, concentrated on agriculture, supplying 12 per cent of Jordan's farm output, and on tourism.

The West Bank had only 22 per cent of Jordan's industry and 16 per cent of her transport. Total industry output in the West Bank equals two per cent of Israel's production.

Employment

Several steps have been taken in order to provide wider employment to local labour. The Public Works Department was instructed to follow the same work methods as in the past. A large number of labourers (500) have been engaged by the authorities to work on road repairs on the Nablus-Ramallah and Megiddo-Jenin roads. Another 300 are working on road repairs in the Ramallah and Jericho areas. 130 workers have been employed in the same areas in afforestation and irrigation. Street repair work is conducted in Jenin. The Nablus municipality received a loan from the Israel authorities for current public works and the road leading to Mount Gerizim will be widened. The road from Tul Kaream will be repaved. 18 large public buildings the construction of which was interrupted by the outbreak of war, will now be completed, mainly in order to provide employment. The Public Works Department is resuming work on projects which employ 15.000 persons.

The Ministry of Labour is setting up vocational training centres for unskilled adults. " Ort" is preparing to open 4 vocational schools in the West Bank.

Agricultural institutions operating before 5 June have been reopened and are manned largely by the original staff. Also operating are Government research stations, plant nurseries, offices of afforestation, veterinary supervision centers. The next agricultural season is being planned with a view to avoiding surpluses. Commercial marketing of agricultural production has been organized in order to solve the problem of agricultural surpluses it has been agreed that they would be used in Israeli processing plants. In the field of agricultural exportation a trial shipment of plums from Hebron was air-freighted by El-Al to West Europe.

Industry

The Nablus factory producing special oil used in Arab cuisine has reopened. It employs 150 workers. The local match factory is operating again.

Commerce

Branch offices of the Ministry of Commerce and Industry will be opened in the major towns of the West Bank, the Gaza Strip and the Golan Heights to help local businessmen. A senior Ministry official has been appointed to coordinate commercial and industrial activities in these areas.

Trade will be permitted between the West Bank, the Gaza Strip and the Golan Plateau.

Services

Posts

The Post Office in Jenin was reopened, bringing up the number of post offices that have resumed work on the West Bank to six - in Hebron, Bethlehem, Ramallah, Jericho, Nablus and Tulkarm. Distribution of mail in all villages has been arranged.

Phones in East Jerusalem have been linked to the national direct dialing system. Work has also been ordered to proceed on the restoration of interurban telephone connections between the West Bank towns.

Electricity

A survey has been carried out of electricity supply. Damaged lines and wires have been repaired. The whole Western Bank electricity network is operating except for the Jericho high voltage line scheduled for reopening on 15.8.67. At present Jericho gets its electricity supply from a local generator.

Water

Thorough water supply system surveys were carried out. Existing installations are operating and those under constructions are being completed.

Health

Hospitals and clinics are functioning normally. The 1.700 beds that were at the disposal of the local population are used as before. Health and sanitary conditions are satisfactory. This results in low occupancy of hospitals. In special cases, where local facilities cannot supply adequate medical treatment, patients are transferred to Israeli hospitals.

The Israel authorities assist in the operation of 8 governmental hospitals, 6 health clinics and a central laboratory. A blood supply was arranged for urgent cases, and preparations are under way for the establishment of a Blood Bank.

Vaccinations against epidemics are carried out in cooperation with UNRWA.

The local staff of public health organizations, which amounts to 700 persons, receives wages from the Israel Ministry of Health.

A special commission under the chairmanship of a deputy director of the Ministry of Health was appointed for the purpose of planning preventive medicine, public health and sanitation.

The Israel Medical Association has announced that it is ready to admit to its membership all medical institutions and personnel within areas now under Israel control. It has also announced that Israel doctors would extend to these areas all necessary assistance to solve their health problems.

Education

Registration of educational staff was completed as schools are scheduled to open on 1.9.67 after the end of the summer holiday. 4,575 teachers are being paid their salaries by the authorities.

The number of school children in the West Bank is about 180,000 of whom 130,000 attend governmental schools ; 42,000 are in UNRWA schools and the rest in private institutions.

The Israel authorities have set up a special budget for repair of schools damaged during the war.

Welfare

3 district welfare officers operate in Jerusalem, Hebron and Nablus granting allowances to individuals and supporting various welfare organizations. Also operating are 8 welfare institutions, 9 juvenile delinquency institutions, a home for aged, for the blind and one for homeless children.

150 persons are employed in the above-mentioned institutions.

Communication

The Egged Transport Company has opened recently a new bus route from Gaza to the West Bank, via Beer-Sheba. Buses will ply the route twice daily with stops at Hebron, Bethlehem, Jerusalem, Ramallah and other West Bank towns.

RELIGION

8 Moslem religious courts are functioning. The staff (40) is being paid by the Israel authorities.

Protection of the Holy Places

The Ministry of Police is about to set up a " Holy Places guard " consisting of 48 unarmed watchmen of various denominations, with full police authority. The Ministry of Religious Affairs is helping the Moslem religious trusts in East Jerusalem to repair the few mosques that were damaged during the fighting. The Egyptian architect supervising the restoration work at the Dome of the Rock at the El Aksa Mosque, Mr. Abdul Moneim Abd-el-Wahab, is back at work.

LAW

Civil courts have resumed their work in Nablus on 3 July. They are adjudicating under Jordanian law.

ANNEX VI

Second aide-memoire submitted to the Special Representative by the Israel authorities on the situation on the West Bank

Israel's policy in the areas under its control is guided by the following principles :

- a. Speedy restoration of normal civilian life in all its aspects;
- b. Continued functioning of existing local authorities;
- c. Return of West Bank inhabitants who fled following the outbreak of hostilities;
- d. Co-operation with UNRWA, the International Red Cross and welfare organizations operating in the areas;
- e. Study of possibilities of solving the refugee problem;
- f. Buttressing the economic fabric of the towns and the countryside.

THE WEST BANK

The effects of the hostilities

The fighting was brief. Consequently, physical damage and casualties were limited. Nevertheless, by the time cease-fire between Israel and Jordan was established, life on the West Bank was seriously disrupted. During the fighting, considerable numbers of inhabitants crossed the Jordan River eastwards. In many cases they were motivated by fear; but the main impulse was economic: the desire to ensure the continued receipt of money transfers from relatives in other Arab States or of salary payments by the Jordanian Government. Many of those who left the West Bank were registered with UNRWA as refugees. The certainty that they would continue to receive UNRWA assistance served as encouragement.

As a result of the hostilities there was a general breakdown of public administration. Many of the Government and municipal officials crossed to the East Bank during and after the fighting. Frequently they took with them the public funds in their charge. The shortage of funds was further accentuated by the fact that banks were found to have a liquidity of less than ten per cent. The remainder was usually held at the head offices in Amman. Furthermore, such services as electricity and telephone communications were seriously damaged during the fighting.

A number of measures of an administrative and economic nature have been adopted with a view to restoring normal life.

Municipalities and local councils

Shortly after the cessation of hostilities, all municipal and local councils were urged to pursue their activities as usual. They are now in the course of preparing ordinary and long-term budgets. Advances on municipal budgets have already been made by the Israel authorities. These advances, paid in Jordanian dinars, are intended for salary disbursements and other routine expenses. The salaries of all municipal employees are paid regularly. This applies also to most of the former

Government officials, including all teachers. The latter are now on summer vacation but have already begun preparations for re-opening schools in accordance with the regular schedule.

Public Health

Health services are functioning normally. Hospitals are fully staffed and equipped. Medical supplies are distributed where needed, but ample stocks are in general available locally.

Freedom of movement

Curfew has been rapidly reduced. There is complete freedom of movement within the West Bank. Movement from the Gaza Strip to the West Bank, not permitted in the past, is being gradually introduced. Visits are being arranged from the West Bank to various parts of Israel.

Transportation

Almost all private vehicles requisitioned during the hostilities have been restored. This is true also of all agricultural machines and equipment.

Public transportation, including inter-urban bus services, has been fully resumed. Fuel supply is normal.

Local Police

Arab policemen have been re-employed on a large scale.

Administration of Justice

Local Courts, including District Courts, have been reactivated. They are functioning on the basis of laws in force before 5 June.

Postal Services

All major post offices have been re-opened.

Commerce

Most shops and other commercial enterprises have re-opened. The influx of tourists has contributed to a considerable upsurge of commercial activity.

Welfare

All international and local welfare organizations, including religious welfare institutions, are being encouraged to pursue their normal activities. Most have resumed their regular work. Arrangements are also being made for continuing the welfare activities formally supported by the Government of Jordan.

Financial and economic measures

All personal remittances from abroad reach their destination through banks. With a view to channelling new funds into the economy and encouraging development, Israeli banks have been permitted to open branches (one to a town) on the West Bank. One of the main activities is to grant loans to industry, commerce and agriculture.

Returnees from East Bank

Persons who had resided on the West Bank, and who crossed over to the East Bank between 5 June and 4 July 1967, have been permitted to return to the West Bank, under an Israel Government decision adopted as a gesture of goodwill. Arrangements for the return of such persons are being made through the good offices of the International Red Cross.

Refugees

A special agreement was reached with UNRWA for the continuation of its activities. In addition, the Prime Minister of Israel has appointed a team of experts who will be charged with drawing up proposals concerning ways and means of rehabilitating the Arab refugees. The team comprises experts in the fields of economics, agriculture, irrigation, industry, crafts, commerce, development, social problems, demography and related areas.

ANNEX VII

Aide-memoire submitted to the Special Representative
by the Israel authorities entitled "Foundations of
Israel's economic policy in the areas under its control"

Ever since the termination of hostilities, the Government of Israel has striven to restore normal social and economic conditions in the areas under Israel control. Vital services had to be revived immediately to ensure an uninterrupted supply of food for the civilian population as well as for the large number of refugees in the West Bank and the Gaza Strip. Refugee needs were subject of an agreement signed by the Government of Israel with UNRWA enabling the agency to continue its activities in these areas as heretofore. Permission was also granted to voluntary relief organizations previously active there to resume their assistance to the needy.

During the five weeks of Israeli administration, the following basic steps have been taken:

1. All municipalities and local councils are operating again and such local services as electricity, water, sanitation, and police have been re-established.
2. Medical and health services are functioning satisfactorily.
3. Post offices have been reopened in the main towns, and municipal telephone networks repaired.
4. Following the return of private vehicles to their owners, public transport is being reorganized - vehicles are being tested, licensed and insured for third party damages.
5. Banks have been opened to serve the public in the main towns of the West Bank and the Gaza Strip.

A. FINANCE AND CURRENCY

The legal tender in these areas remains as it was before hostilities (Jordanian Dinar, Egyptian and Syrian Pound).

Regulations have been issued to bar trading in all other currencies. Implementation of this policy met with some difficulties owing to the very low liquidity of the local banks, which in general hardly reached 10 per cent.

Banks were, therefore, unable to reopen their doors to the public, and this meant much hardship to depositors, who were unable to draw on their savings. The scarcity of means of payment in circulation greatly hindered economic activity in the first days.

B. PRICE POLICY

The policy of the Government of Israel is to maintain as far as possible the level of prices in all the areas under control, with the exception of those of fuel, cigarettes and alcoholic drinks, in respect of which equalization with prices prevailing in Israel will have to be ensured, to prevent smuggling.

C. AGRICULTURE

All necessary steps have been taken to renew the rural pursuits which constitute the mainstay of the economies of the controlled areas. Representatives of the Israel Ministry of Agriculture, together with local elements, have already organized methods of supply and marketing of produce and primary materials through a central organization. All agricultural vehicles and equipment have been restored. Wells have resumed pumping and the necessary fuel is being supplied. With the assistance of employees of Israel farmer organizations, fruit orchards and Government farms are again under cultivation. The local farmers have gone back to work their fields and plantations and to deliver the produce. Abandoned groves are being cared for again.

D. SUPPLY AND TRADE

The guiding lines of this sphere are aimed at guaranteeing the incomes of wholesalers and retailers. To that end, Israelis have been forbidden to trade directly with the inhabitants of the areas under control or to open branches of Israel firms or other businesses there. Land and property deals are prohibited. A central supply company has been ordered to supply the needs of wholesalers on their application - payments to be effected for the goods in local currency (Dinars or Egyptian and Syrian Pounds). Israeli Pounds may also be used.

E. THE BALANCE OF TRADE

It should be noted that, prior to the hostilities, the West Bank economy suffered from a negative balance of trade, covered mainly by tourism, transfers of private funds and foreign aid. The maintenance of that economy at its pre-war level, and the upkeep of services at previous standards, will require an estimated import of capital totalling about 50 million US dollars a year. The Gaza Strip's foreign trade deficit amounted to 14.8 million US dollars (24.7 million US dollar worth of imports and 9.9 million US dollars worth of exports).

F. TOURISM

A brisk tourist trade existed previously in the West Bank only. All efforts are being made to restore fully this trade. It has been decided to open the tourist hotels and to resume organized tourism in the Jerusalem region, the West Bank and the Holy Places, and also in the city of Gaza and the regions of Banias and El-Hamma. Two bus companies have been allowed to conduct organized tours and permission has been granted for authorized bodies to engage in transporting tourists to the various areas. Courses have been organized by the Ministry of Tourism, for 200 guides resident in the West Bank, to bring their knowledge up-to-date and to license them as guides. As from 19 July, all the areas are open to organized tourism from Israel and abroad.

G. GOVERNMENT-INITIATED WORKS TO SPUR ECONOMIC ACTIVITIES

1. Israel authorities have begun paying the salaries of all former civil servants, including teachers who have come back to their jobs.
2. Means of payment have been allocated to UNRWA and CARE to pay the salaries of their employees, who are numbered in the thousands.
3. Loans have been granted to municipalities to enable them to pay salaries and current expenses. These are equal in amount to their monthly budgets.
4. Banks have been instructed to convert into local currency all foreign currency remittances addressed to local inhabitants.
5. Tourists and Israeli troops are allowed to exchange Israel Pounds for local currency to enable them to make purchases in controlled areas.

6. The Government of Israel has decided to make provision for underwriting some of the banks to encourage them to grant loans for capital flow to industry, trade and agriculture.

7. Instructions have been issued to complete public works and construction begun before 5 June, utilizing local manpower and equipment.

8. Arrangements have been made for the continuation of social assistance payments to those who had been on relief before the hostilities.

9. Full assistance and encouragement are being given to all relief activities of such international bodies as UNRWA, CARE and the Red Cross.

In co-operation with the Ministry of Labour, Israel authorities have drawn up plans for the immediate employment of the chronically unemployed. They will be engaged primarily in public works, such as road laying and repairing, clearing debris, upkeep and completion of public buildings, and afforestation. In the first stage the Israel authorities will provide employment for 6,000 in the Gaza Strip. These will be supporters of families. In the meantime, teams of experts are examining plans for medium-term employment.

It may be said here, that, despite the acute problems arising from the war, life is being quickly brought back to normal, and that the local inhabitants, by and large, are co-operating with the Israel authorities in reactivating the economy. Although short-term implementation is as yet incomplete, attention is already being given to medium- and long-range economic planning designed to ensure productive employment which will allow thousands of refugees and other needy persons to earn a sufficient and honourable living.

ANNEX VIII

Aide-memoire submitted to the Special Representative by the Israel authorities on the situation in the Gaza Strip and Northern Sinai

Administration

The area is divided into three administrative districts headed by Military Governors (Gaza, Rafa/Khan Younis, El Arīsh). The local administration has been reinstated throughout the area. This consists both of a central area administration divided into ten departments and municipal and local councils. Elected mayors and village chiefs (mukhtars), as well as municipal and rural officials, including those appointed by the Egyptian administration, are continuing in office, except for some senior Egyptian officials and a few local officials who had to be replaced for reasons of security. Salaries for all local Government officials are unchanged and are being paid by the Israel Treasury. Local government administrations are being granted loans in order to enable them to discharge their liabilities, until new budgetary proposals will have been drawn up and the collection of local rates reactivated.

Local administration is functioning smoothly and satisfactorily, and it is not intended at present to introduce any changes in its structure.

Services

Essential services - electricity and street lighting, water supply, garbage collection, bus service (local and inter-urban), taxi service, local Police (partly armed) - are functioning normally, having been progressively reactivated since the first week after Israel assumed control of the area. Eleven police stations are in operation. Postal facilities are being resumed. The railway line in the Strip has been linked up with the Israel network, and its capacity is sufficient to cope with any foreseeable traffic requirements.

Freedom of movement

The hours of curfew prevailing in the area have been steadily shortened. They extend at present from 9 pm to 4 am. The population enjoys free movement throughout the Gaza Strip. As from 16 July, a system of permits is in operation, enabling permit holders to visit the West Bank. It is intended to extend this system in the near future.

Health

Hospitals are functioning normally. The Israel Ministry of Health has delegated a senior medical officer to establish liaison with local health administrations and public hospitals. The necessary medical supplies are being made available from Israeli sources. There is no shortage of medical staff, and the number of hospital beds available is amply sufficient.

Legal status

All laws and ordinances in force in the area at the moment the Israel forces assumed control remain valid, except where changed by military ordinances, proclaimed by the Military Governor. At present there are thirty-one such ordinances, dealing mainly with security matters and economic problems.

Administration of Justice

All local Courts are functioning. Magistrates who were officiating under the Egyptian administration have taken up their posts and are holding court normally. All lawyers admitted to the Bar under the Egyptian administration are practising, and the basic rights of the accused are protected.

Legal Tender

On 19 July, the official rate of exchange of the Egyptian pound was fixed at six Israeli pounds, to one Egyptian. This replaces the previous rate of three to one. This modification in the rate of exchange will enable the population to double its purchasing capacity. It is to be observed that real value of one Egyptian pound is US\$ 1.20.

Finance and Banking

Local banks had to be closed for lack of available funds, all local banks are branch - banks with headquarters in Egypt, and their liquidity, was about ten per cent. An Israel bank has opened a branch in Gaza and is offering normal banking facilities to local residents and institutions. Other Israel banks are scheduled to open branches in the area in the future.

Arrangements are being worked out for the resumption of capital transfers from abroad to local inhabitants.

Commerce

Most shops are open and functioning. Basic necessities such as foodstuffs and petrol are supplied to local outlets by the Israel authorities. Fruit, vegetables and meat are supplied to the market from local sources, and so far the supply is plentiful. Preparations for the resumption of normal commercial contacts with foreign markets are under way. As soon as commercial channels with Israel are established, the Government will withdraw from the local market.

Employment

A labour exchange bureau was opened on 16 July in the Gaza Strip. An interim programme for the immediate employment of 15,000 workers has been launched. During the first stage, workers will be employed on public works and the revetment of Wadi Gaza and the seashore. Fishermen have been allowed to start going out to sea again. The Israel Treasury is prepared to invest about one million Israel pounds in ensuring employment for inhabitants of the Gaza Strip.

Education

Preparations are under way for the re-opening of schools after the summer holidays. The Israel Ministry of Education and Culture, in co-operation with the local Administration and with the aid of the Military Government, is beginning to repair buildings and equipment which were damaged during combat.

Welfare

The Israel Ministry of Welfare, in co-operation with the 'Care' organization has reestablished an assistance programme for 70,000 needy non-refugees. It has been agreed to extend this programme to include another 10,000 needy persons in the El Arish area, and there are plans eventually to bring it up to a ceiling of 120,000 beneficiaries.

An adequate amount in the welfare budget allocation has been set aside as a Government contribution to the local orphanage.

In addition to the welfare offices functioning in Gaza, offices are being set up in Dir-el-Balah and Khan Younis. All three offices are handling applications for cash grants to needy families. These grants are in addition to 'Care' or UNRWA rations.

Other welfare organizations have sent study missions to the area and are now working out programmes in various fields. In contact s with representatives of these organizations, Israel authorities have stressed the need for aid programmes of a constructive character, enabling a growing number of refugees to be provided with productive work.

Agriculture

The agricultural services are functioning normally. The following projects deserve special mention:

El Arish Development Scheme. This scheme, projected by Egyptian Administration, affects 10,000 dunams of various plantations. An effort is being made to develop the irrigation system by improving existing and drilling new artesian wells.

Bar Dawile. This lake, situated twenty kilometres to the west of El Arish, is now being surveyed with a view to establishing its fishing potential. A research vessel is operating in its waters and experts from the Israel Fishing Service are conducting a research programme.

A study project on the salinity of underground wells and a soil conservation project in the Wadi Gaza area have been initiated. Preparations are under way to make the necessary arrangements for the marketing of the coming citrus harvest.

Small loans as well as supplies of insecticides and fertilizer are being made available to owners of orange groves.

Crop Spraying. The local company has been revived and provided with the necessary insecticides and equipment.

Veterinary Services.

The veterinary services have been strengthened by the addition of two veterinarians.

UNRWA

UNRWA food distribution and health services are back to normal. Food distribution was resumed three days after the end of hostilities. UBRWA education services are expected to continue normally when the new school year opens.

ANNEX IX

Aide-memoire submitted to the Special
Representative by the Israel authorities
on the situation in the Gaza Strip

THE GAZA STRIP

Employment

Unemployment registration has begun in the Gaza Strip. The number of unemployed is estimated at 15,000 with some 10,000 in Gaza proper. The Israel authorities report that they will try to place some of them in their previous jobs in various Government offices.

Welfare

Two welfare bureaus were opened in Khan Yunis and Rafah with local personnel. Welfare recipients will be paid on the same scale as before. Arrangements are also being made to reopen the Gaza Orphanage in time for the new school year in September.

Food Supply

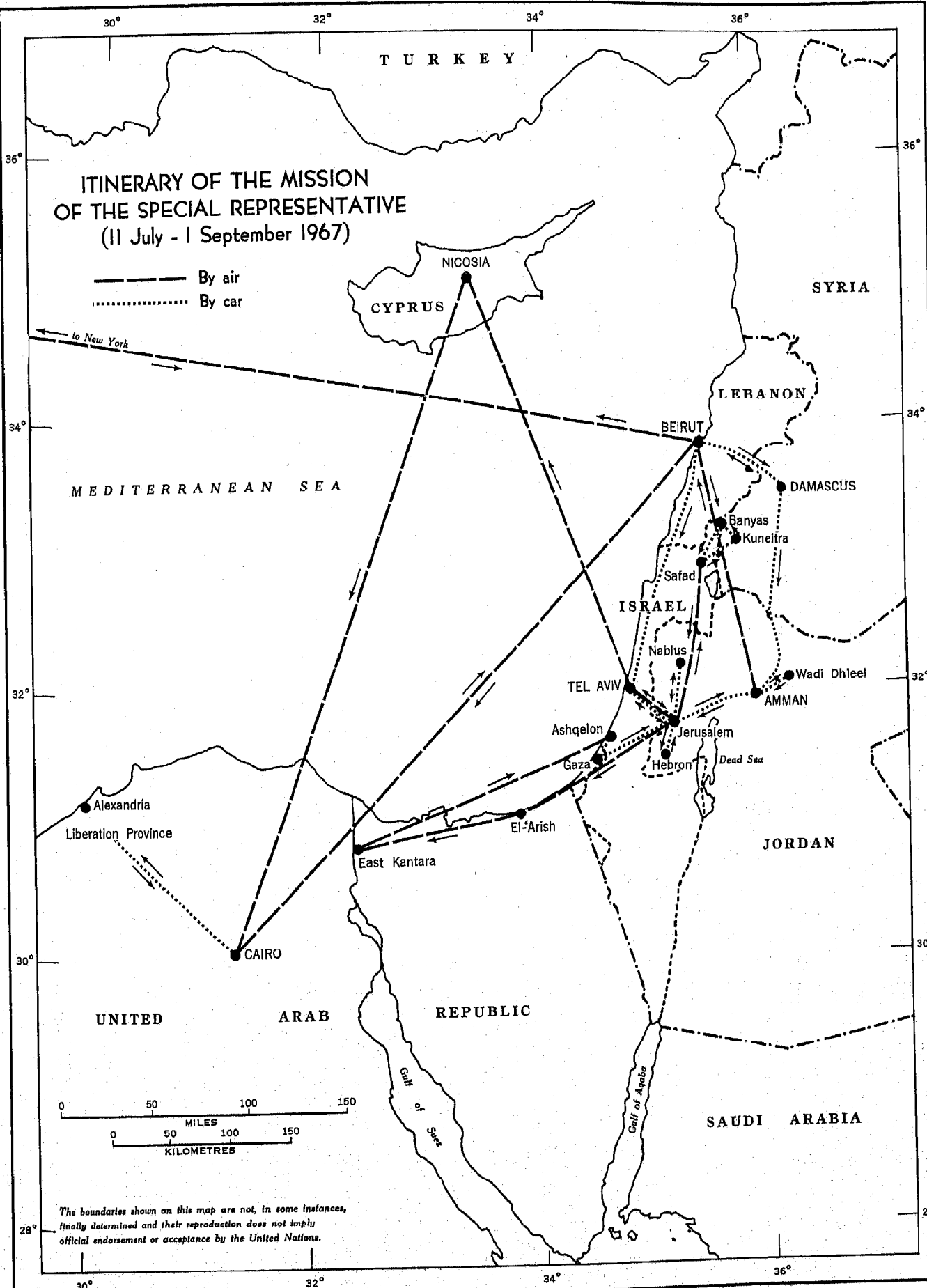
Flour and sugar are being provided to Gaza through the centralized marketing agency, thus helping to stabilize prices.

Facilities to stimulate economic life

Residents of the Gaza Strip will be able to go abroad, after receiving an appropriate visa from the authorities. They will thus be able to settle their financial affairs abroad and arrange for future transfers. This is expected to stimulate the economic life of the city.

ITINERARY OF THE MISSION OF THE SPECIAL REPRESENTATIVE (11 July - 1 September 1967)

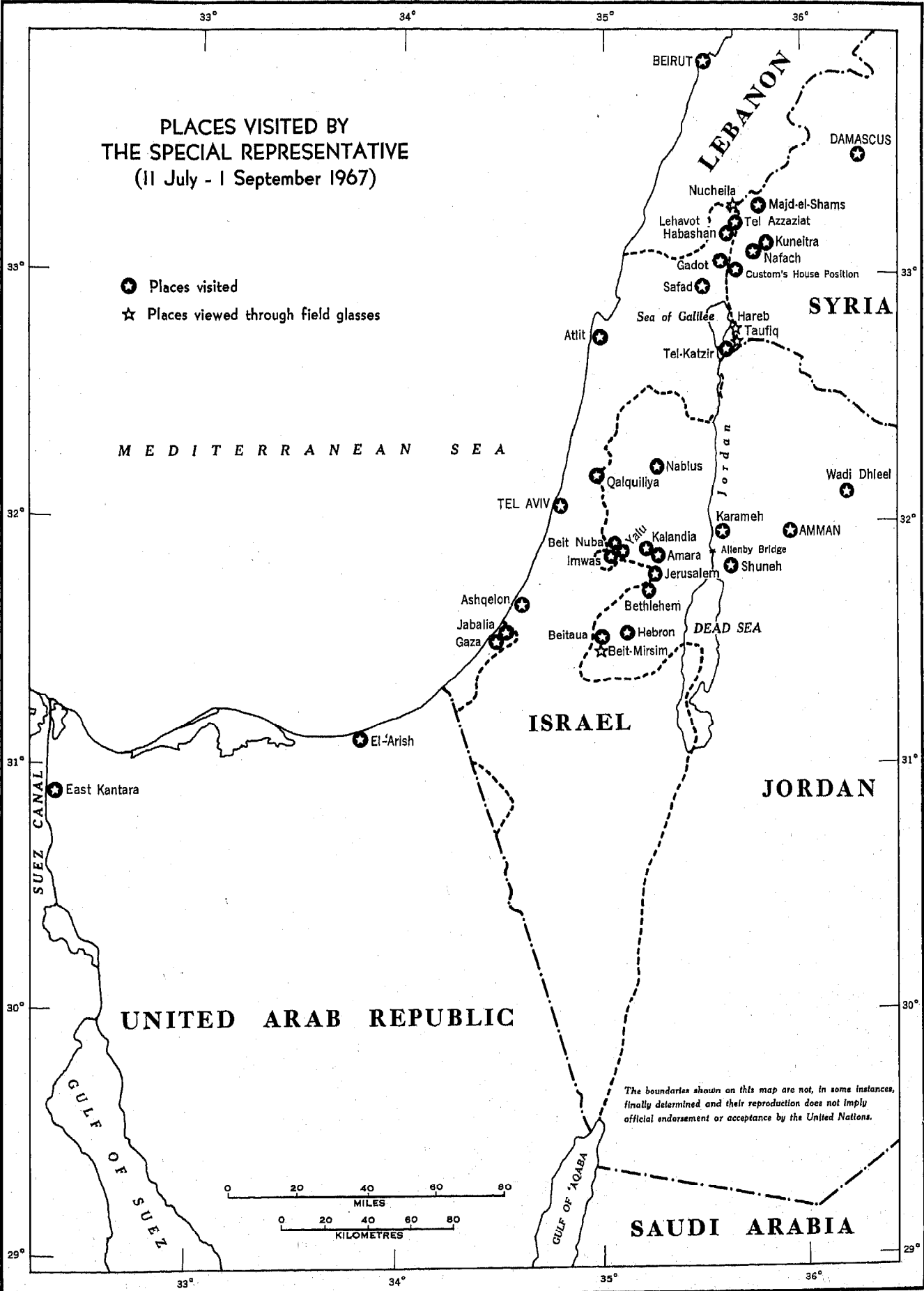
— By air
..... By car



The boundaries shown on this map are not, in some instances, finally determined and their reproduction does not imply official endorsement or acceptance by the United Nations.

PLACES VISITED BY THE SPECIAL REPRESENTATIVE (11 July - 1 September 1967)

- Places visited
- ★ Places viewed through field glasses



II. RESOLUTIONS²

ES-7/1. Credentials of representatives to the seventh emergency special session of the General Assembly

The General Assembly

Approves the report of the Credentials Committee.³

*11th plenary meeting
29 July 1980*

ES-7/2. Question of Palestine

The General Assembly,

Having considered the question of Palestine at an emergency special session,

Convinced that the failure to solve this question poses a grave threat to international peace and security,

Noting with regret and concern that the Security Council, at its 2220th meeting on 30 April 1980, failed to take a decision, as a result of the negative vote of the United States of America, on the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People endorsed by the General Assembly in its resolutions 31/20 of 24 November 1976, 32/40 A of 2 December 1977, 33/28 A of 7 December 1978 and 34/65 A of 29 November 1979,

Having considered the letter dated 1 July 1980 from the Permanent Representative of Senegal to the United Nations, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,⁴

Having heard the statement by the Observer of the Palestine Liberation Organization, the representative of the Palestinian people,⁵

1. *Recalls and reaffirms* its resolutions 3236 (XXIX) and 3237 (XXIX) of 22 November 1974 and all other relevant United Nations resolutions pertinent to the question of Palestine;

2. *Reaffirms*, in particular, that a comprehensive, just and lasting peace in the Middle East cannot be established, in accordance with the Charter of the United Nations and the relevant United Nations resolutions, without the withdrawal of Israel from all the occupied Palestinian and other Arab territories, including Jerusalem, and without the achievement of a just solution of the problem of Palestine on the basis of the attainment of the inalienable rights of the Palestinian people in Palestine;

3. *Reaffirms* the inalienable right of the Palestinians to return to their homes and property in Palestine, from which they have been displaced and uprooted, and calls for their return;

4. *Reaffirms also* the inalienable rights in Palestine of the Palestinian people, including:

(a) The right to self-determination without external interference, and to national independence and sovereignty;

(b) The right to establish its own independent sovereign State;

5. *Reaffirms* the right of the Palestine Liberation Organization, the representative of the Palestinian people, to participate on an equal footing in all efforts, deliberations and conferences on the question of Palestine and the situation in the Middle East within the framework of the United Nations;

6. *Reaffirms* the fundamental principle of the inadmissibility of the acquisition of territory by force;

7. *Calls upon* Israel to withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, with all property and services intact, and urges that such withdrawal from all the occupied territories should start before 15 November 1980;

8. *Demands* that Israel should fully comply with provisions of resolution 465 (1980) adopted unanimously by the Security Council on 1 March 1980;

9. *Further demands* that Israel should fully comply with all United Nations resolutions relevant to the historic character of the Holy City of Jerusalem, in particular Security Council resolution 476 (1980) of 30 June 1980;

10. *Expresses its opposition* to all policies and plans aimed at the resettlement of the Palestinians outside their homeland;

11. *Requests and authorizes* the Secretary-General, in consultation, as appropriate, with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to take the necessary measures towards the implementation of the recommendations contained in paragraphs 59 to 72 of the report of the Committee to the General Assembly at its thirty-first session⁶ as a basis for the solution of the question of Palestine;

12. *Requests* the Secretary-General to report to the General Assembly at its thirty-fifth session on the implementation of the present resolution;

13. *Requests* the Security Council, in the event of non-compliance by Israel with the present resolution, to convene in order to consider the situation and the adoption of effective measures under Chapter VII of the Charter;

14. *Decides* to adjourn the seventh emergency special session temporarily and to authorize the President of the latest regular session of the General Assembly to resume its meetings upon request from Member States.

*11th plenary meeting
29 July 1980*

² Resolutions adopted without reference to the Main Committee, the General Assembly having convened in plenary meeting only in accordance with rule 63 of its rules of procedure.

³ *Official Records of the General Assembly, Seventh Emergency Special Session, Annexes*, agenda item 3, document A/ES-7/13

⁴ *Ibid.*, agenda item 5, document A/ES-7/1, annex.

⁵ *Ibid.*, *Seventh Emergency Special Session, Plenary Meetings*, 1st meeting, paras. 171-217.

⁶ *Ibid.*, *Thirty-first Session, Supplement No. 35 (A/31/35)*.

ES-7/3. Work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

The General Assembly,

Having heard the statements by the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People⁷ and by the Rapporteur of the Committee,⁸

1. *Commends* the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts to discharge its duties;

2. *Expresses great appreciation* for the studies on the various aspects of the question of Palestine published by the Special Unit on Palestinian Rights of the Secretariat under the guidance of the Committee on the Ex-

ercise of the Inalienable Rights of the Palestinian People and requests the Committee to study thoroughly the reasons for the refusal of Israel to comply with the relevant United Nations resolutions, particularly resolution 31/20 of 24 November 1976, in which the General Assembly endorsed the recommendations of the Committee contained in its report to the Assembly at its thirty-first session,⁹ and the numerous resolutions demanding the withdrawal of Israel from the occupied Palestinian and other Arab territories, including Jerusalem, and to submit the study to the Assembly;

3. *Requests* the Committee on the Exercise of the Inalienable Rights of the Palestinian People to report on the progress of its study to the General Assembly at its thirty-fifth session.

*11th plenary meeting
29 July 1980*

⁷ *Ibid.*, *Seventh Emergency Special Session, Plenary Meetings, 1st meeting*, paras. 43-109.

⁸ *Ibid.*, paras.111-169.

⁹ *Ibid.*, *Thirty-first Session, Supplement No. 35 (A/31/35)*.

ES-7/1. Credentials of representatives to the seventh emergency special session of the General Assembly

B 2/

The General Assembly

Approves the second report of the Credentials Committee. 3/

21st plenary meeting
28 April 1982

ES-7/4. Question of Palestine

The General Assembly,

Having considered the question of Palestine at its resumed seventh emergency special session,

Noting with regret and concern that the Security Council, at its 2348th meeting, on 2 April 1982, and at its 2357th meeting, on 20 April 1982, failed to take a decision as a result of the negative votes of the United States of America,

Having heard the statement by the Head of the Political Department of the Palestine Liberation Organization, the representative of the Palestinian people, 4/

Convinced that the worsening situation in the Middle East and the failure to find a solution to this question pose a grave threat to international peace and security,

Deploring the repressive measures taken by the Israeli authorities in the illegally occupied Palestinian Arab territories, including Jerusalem,

Recalling the relevant United Nations resolutions pertaining to the status and unique character of the Holy City of Jerusalem, in particular Security Council resolutions 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980,

Affirming once more that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 5/ is applicable to all territories occupied by Israel since 1967, including Jerusalem,

2/ For resolution ES-7/1 A, see A/ES-7/14, sect. II.

3/ A/ES-7/13/Add.1.

4/ A/ES-7/PV.12, p. 16.

5/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

Noting with regret that, owing to the negative vote of one of its permanent members, the Security Council has, so far, failed to take a decision on the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People endorsed by the General Assembly in its resolutions 31/20 of 24 November 1976, 32/40 A of 2 December 1977, 33/28 A of 7 December 1978, 34/65 A of 29 November 1979, 35/169 A of 15 December 1980 and 36/120 D of 10 December 1981,

1. Reaffirms its resolutions ES-7/2 of 29 July 1980 and 3236 (XXIX) and 3237 (XXIX) of 22 November 1974 and all other relevant United Nations resolutions pertinent to the question of Palestine;
2. Reaffirms the fundamental principle of the inadmissibility of the acquisition of territory by force;
3. Reaffirms that all the provisions of the Hague Conventions of 1907 6/ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, apply to all territories occupied by Israel since 1967, including Jerusalem, and calls upon all parties to these instruments to respect and ensure respect of their obligations in all circumstances;
4. Demands that Israel should comply with the provisions of Security Council resolution 465 (1980);
5. Further demands that Israel should comply with all United Nations resolutions relevant to the status and unique character of the Holy City of Jerusalem, in particular with Security Council resolutions 476 (1980) and 478 (1980);
6. Expresses its rejection of all policies and plans aiming at the resettlement of the Palestinians outside their homeland;
7. Condemns Israel, the occupying Power, for its:
 - (a) Failure to fulfil its obligations under the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;
 - (b) Disbanding of the elected municipal council of El-Bireh;
 - (c) Dismissal of the elected mayors of Ramallah and Nablus;
 - (d) Violation of the sanctity of the Holy Places, particularly of Al-Haram Al-Shareef, in Jerusalem;
 - (e) Shooting and killing and wounding of worshippers in the precincts of Al-Haram Al-Shareef by members of the Israeli army on 11 April 1982;
 - (f) Repressive measures, including shooting at the unarmed civilian population in the occupied Palestinian territory and in the occupied Syrian Golan Heights, resulting in death and injury;

6/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

(g) Attacks against and interference with the functions of various civic and religious institutions in the occupied Palestinian territory, including Jerusalem, in particular educational institutions;

8. Condemns all policies which frustrate the exercise of the inalienable rights of the Palestinian people, in particular providing Israel with military, economic and political assistance and the misuse of the veto by a permanent member of the Security Council, thus enabling Israel to continue its aggression, occupation and unwillingness to carry out its obligations under the Charter and the relevant resolutions of the United Nations;

9. Urges all Governments which have not yet done so:

(a) To recognize the inalienable rights of the Palestinian people;

(b) To renounce the policy of providing Israel with military, economic and political assistance, thus discouraging Israel from continuing its aggression, occupation and disregard of its obligations under the Charter and the relevant resolutions of the United Nations;

(c) To act accordingly in all the organs of the United Nations;

10. Condemns the policies which encourage the flow of human resources to Israel, enabling it to implement and to proceed with its colonization and settlement policies in the occupied Arab territories;

11. Declares once again that Israel's record and actions confirm that it is not a peace-loving Member State and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

12. Calls again upon Israel, the occupying Power, to observe and apply scrupulously the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the principles of international law governing military occupation in all the occupied Palestinian and other Arab territories, including Jerusalem;

13. Demands that Israel, the occupying Power, should permit entry into the occupied territories of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and of the Commission established by Security Council resolution 446 (1979), in order to facilitate the fulfilment of the mandates entrusted to them by the General Assembly and by the Council, respectively;

14. Urges the Security Council to recognize the inalienable rights of the Palestinian people as defined in General Assembly resolution ES-7/2 and to endorse the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, as endorsed by the Assembly in its resolution 31/20 and in subsequent resolutions;

15. Calls upon the Secretary-General, in concurrence with the Security Council and in consultation as appropriate with the Committee on the Exercise of the Inalienable Rights of the Palestinian people, to initiate contacts with all

parties to the Arab-Israeli conflict in the Middle East, including the Palestine Liberation Organization, the representative of the Palestinian people, with a view to finding concrete ways and means to achieve a comprehensive, just and lasting solution, conducive to peace, in conformity with the principles of the Charter and relevant resolutions and based on the implementation of the recommendations of the Committee as endorsed by the General Assembly at its thirty-first session;

16. Requests the Secretary-General to follow up the implementation of the present resolution and to report thereon at appropriate intervals to Member States as well as to the Security Council and to submit a comprehensive report to the General Assembly at its thirty-seventh session under the item entitled "Question of Palestine";

17. Decides to adjourn the seventh emergency special session temporarily and to authorize the President of the latest regular session of the General Assembly to resume its meetings upon request from Member States.

20th plenary meeting
28 April 1982

ES-7/5. Question of Palestine

The General Assembly,

Having considered the question of Palestine at its resumed seventh emergency special session,

Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people, 7/

Alarmed by the worsening situation in the Middle East resulting from Israel's acts of aggression against the sovereignty of Lebanon and the Palestinian people in Lebanon,

Recalling Security Council resolutions 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 512 (1982) of 19 June 1982,

Taking note of the reports of the Secretary-General relevant to this situation, particularly his report of 7 June 1982, 8/

Taking note of the two positive replies to the Secretary-General by the Government of Lebanon 9/ and the Palestine Liberation Organization, 10/

7/ A/ES-7/PV.22, p. 6.

8/ S/15178.

9/ Ibid., para. 3.

10/ Ibid., para. 4.

parties to the Arab-Israeli conflict in the Middle East, including the Palestine Liberation Organization, the representative of the Palestinian people, with a view to finding concrete ways and means to achieve a comprehensive, just and lasting solution, conducive to peace, in conformity with the principles of the Charter and relevant resolutions and based on the implementation of the recommendations of the Committee as endorsed by the General Assembly at its thirty-first session;

16. Requests the Secretary-General to follow up the implementation of the present resolution and to report thereon at appropriate intervals to Member States as well as to the Security Council and to submit a comprehensive report to the General Assembly at its thirty-seventh session under the item entitled "Question of Palestine";

17. Decides to adjourn the seventh emergency special session temporarily and to authorize the President of the latest regular session of the General Assembly to resume its meetings upon request from Member States.

20th plenary meeting
28 April 1982

ES-7/5. Question of Palestine

The General Assembly,

Having considered the question of Palestine at its resumed seventh emergency special session,

Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people, 7/

Alarmed by the worsening situation in the Middle East resulting from Israel's acts of aggression against the sovereignty of Lebanon and the Palestinian people in Lebanon,

Recalling Security Council resolutions 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 512 (1982) of 19 June 1982,

Taking note of the reports of the Secretary-General relevant to this situation, particularly his report of 7 June 1982, 8/

Taking note of the two positive replies to the Secretary-General by the Government of Lebanon 9/ and the Palestine Liberation Organization, 10/

7/ A/ES-7/PV.22, p. 6.

8/ S/15178.

9/ Ibid., para. 3.

10/ Ibid., para. 4.

Noting with regret that the Security Council has, so far, failed to take effective and practical measures, in accordance with the Charter of the United Nations, to ensure implementation of its resolutions 508 (1982) and 509 (1982),

Referring to the humanitarian principles of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 11/ and to the obligations arising from the regulations annexed to the Hague Conventions of 1907, 12/

Deeply concerned at the sufferings of the Palestinian and Lebanese civilian populations,

Reaffirming once again its conviction that the question of Palestine is the core of the Arab-Israeli conflict and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights,

Reaffirming further that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization as the representative of the Palestinian people,

1. Reaffirms the fundamental principle of the inadmissibility of the acquisition of territory by force;

2. Demands that all Member States and other parties observe strict respect for Lebanon's sovereignty, territorial integrity, unity and political independence within its internationally recognized boundaries;

3. Decides to support fully the provisions of Security Council resolutions 508 (1982) and 509 (1982) in which the Council, inter alia, demanded that:

(a) Israel withdraw all its military forces forthwith and unconditionally to the internationally recognized boundaries of Lebanon;

(b) All parties to the conflict cease immediately and simultaneously all military activities within Lebanon and across the Lebanese-Israeli border;

4. Condemns Israel for its non-compliance with resolutions 508 (1982) and 509 (1982);

5. Demands that Israel comply with all the above provisions no later than 0600 hours (Beirut time) on Sunday, 27 June 1982;

6. Calls upon the Security Council to authorize the Secretary-General to undertake necessary endeavours and practical steps to implement the provisions of resolutions 508 (1982), 509 (1982) and 512 (1982);

11/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

12/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

7. Urges the Security Council, in the event of continued failure by Israel to comply with the demands contained in resolutions 508 (1982) and 509 (1982), to meet in order to consider practical ways and means in accordance with the Charter of the United Nations;

8. Calls upon all States and international agencies and organizations to continue to provide the most extensive humanitarian aid possible to the victims of the Israeli invasion of Lebanon;

9. Requests the Secretary-General to delegate a high-level commission to investigate and assess the extent of loss of human life and material damage and to report, as soon as possible, on the result of this investigation to the General Assembly and the Security Council;

10. Decides to adjourn the seventh emergency special session temporarily and to authorize the President of the latest regular session of the General Assembly to resume its meetings upon request from Member States.

24th plenary meeting
26 June 1982

ES-7/6. Question of Palestine

The General Assembly,

Having considered the question of Palestine at its resumed seventh emergency special session,

Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people, 13/

Guided by the purposes and principles of the United Nations, in particular the respect for the principle of equal rights and self-determination of peoples,

Aware of the functions of the Security Council during its meetings relevant to the situation in the Middle East, in particular since 4 June 1982,

Expressing its deep regret that the Security Council has, so far, failed to take effective and practical measures in accordance with the Charter of the United Nations to ensure implementation of its resolutions 508 (1982) of 5 June 1982 and 509 (1982) of 6 June 1982,

Alarmed that the situation in the Middle East has further worsened as a result of Israel's acts of aggression against the sovereignty of Lebanon and the Palestinian people in Lebanon,

Guided further by the purposes and principles of the United Nations, in particular to take effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression,

13/ A/ES-7/PV.25, p. 7.

7. Urges the Security Council, in the event of continued failure by Israel to comply with the demands contained in resolutions 508 (1982) and 509 (1982), to meet in order to consider practical ways and means in accordance with the Charter of the United Nations;

8. Calls upon all States and international agencies and organizations to continue to provide the most extensive humanitarian aid possible to the victims of the Israeli invasion of Lebanon;

9. Requests the Secretary-General to delegate a high-level commission to investigate and assess the extent of loss of human life and material damage and to report, as soon as possible, on the result of this investigation to the General Assembly and the Security Council;

10. Decides to adjourn the seventh emergency special session temporarily and to authorize the President of the latest regular session of the General Assembly to resume its meetings upon request from Member States.

24th plenary meeting
26 June 1982

ES-7/6. Question of Palestine

The General Assembly,

Having considered the question of Palestine at its resumed seventh emergency special session,

Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people, 13/

Guided by the purposes and principles of the United Nations, in particular the respect for the principle of equal rights and self-determination of peoples,

Aware of the functions of the Security Council during its meetings relevant to the situation in the Middle East, in particular since 4 June 1982,

Expressing its deep regret that the Security Council has, so far, failed to take effective and practical measures in accordance with the Charter of the United Nations to ensure implementation of its resolutions 508 (1982) of 5 June 1982 and 509 (1982) of 6 June 1982,

Alarmed that the situation in the Middle East has further worsened as a result of Israel's acts of aggression against the sovereignty of Lebanon and the Palestinian people in Lebanon,

Guided further by the purposes and principles of the United Nations, in particular to take effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression,

13/ A/ES-7/PV.25, p. 7.

Mindful of the humanitarian principles and provisions of the Geneva Conventions of 1949 14/ and Additional Protocol I thereto 15/ and the obligations arising from the regulations annexed to the Hague Conventions of 1907, 16/

Reaffirming its conviction that the question of Palestine is the core of the Arab-Israeli conflict and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable rights in Palestine,

Reaffirming once again that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization as the representative of the Palestinian people,

Expressing its indignation at the continuation and intensification of military activities by Israel within Lebanon, particularly in and around Beirut,

Recalling all its resolutions relevant to the question of Palestine,

Recalling Security Council resolutions 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982 and 518 (1982) of 12 August 1982,

1. Reiterates its affirmation of the fundamental principle of the inadmissibility of the acquisition of territory by force;
2. Calls for the free exercise in Palestine of the inalienable rights of the Palestinian people to self-determination without external interference and to national independence;
3. Reaffirms its rejection of all policies and plans aiming at the resettlement of the Palestinians outside their homeland;
4. Demands that Israel respect and carry out the provisions of the previous resolutions of the General Assembly relating to the occupied Palestinian and other Arab territories, including Jerusalem, as well as the provisions of Security Council resolution 465 (1980) of 1 March 1980, in which the Council, inter alia:
 - (a) Determined that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof had no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories

14/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

15/ A/32/144, annex I.

16/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

constituted a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 17/ and also constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

(b) Strongly deplored the continuation and persistence of Israel in pursuing those policies and practices and called upon the Government and people of Israel to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;

5. Demands also that Israel carry out the provisions of Security Council resolutions 509 (1982), 511 (1982), 512 (1982), 513 (1982), 515 (1982), 516 (1982), 517 (1982) and 518 (1982);

6. Urges the Secretary-General, with the concurrence of the Security Council and the Government of Lebanon and pending the withdrawal of Israel from Lebanon, to undertake effective measures to guarantee the safety and security of the Palestinian and Lebanese civilian population in South Lebanon;

7. Condemns Israel for its non-compliance with resolutions of the Security Council, in defiance of Article 25 of the Charter of the United Nations;

8. Urges once again the Security Council, in the event of continued failure by Israel to comply with the demands contained in its resolutions 465 (1980), 508 (1982), 509 (1982), 515 (1982) and 518 (1982), to meet in order to consider practical ways and means in accordance with the relevant provisions of the Charter;

9. Requests once again the Secretary-General to delegate a high-level commission to investigate and make an up-to-date assessment of the extent of loss of human life and material damage and to report, as soon as possible, on the result of this investigation to the General Assembly and the Security Council;

10. Requests the Secretary-General and organizations of the United Nations system, in co-operation with the International Committee of the Red Cross and other non-governmental organizations, to investigate the strict application by Israel of the provisions of the Geneva Conventions of 1949 and other instruments in the case of those detained;

11. Calls once again upon the Secretary-General to initiate contacts with all the parties to the Arab-Israeli conflict in the Middle East, including the Palestine Liberation Organization, the representative of the Palestinian people, with a view to convening an international conference, under the auspices of the United Nations, to find concrete ways and means of achieving a comprehensive, just and lasting solution, conducive to peace in conformity with the principles of the Charter and relevant resolutions;

17/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

12. Decides to adjourn the seventh emergency special session temporarily and to authorize the President of the latest regular session of the General Assembly to resume its meetings upon request from Member States.

31st plenary meeting
19 August 1982

ES-7/7. International Conference on the Question of Palestine

The General Assembly,

Recalling its resolution 36/120 C of 10 December 1981, by which it decided to convene an International Conference on the Question of Palestine, not later than 1984, for a comprehensive effort to seek effective ways and means to enable the Palestinian people to attain and exercise its rights,

Deeply alarmed at the explosive situation in the Middle East resulting from the Israeli aggression against the sovereign State of Lebanon and the Palestinian people, which poses a threat to international peace and security,

Deeply aware of the responsibility of the United Nations under its Charter for the maintenance of international peace,

Gravely concerned that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security,

Taking note of the final communiqué of the Extraordinary Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Countries on the Question of Palestine, held at Nicosia from 15 to 17 July 1982, 18/

Recognizing the need to intensify all efforts by the international community to enable the Palestinian people to attain and exercise its inalienable rights as defined and reaffirmed in United Nations resolutions,

Stressing the importance of the work of the Preparatory Committee for the International Conference on the Question of Palestine and the need for securing the broadest possible involvement of Member States in the preparatory processes leading up to the Conference, and in the Conference itself,

1. Decides to convene the International Conference on the Question of Palestine at the headquarters of the United Nations Educational, Scientific and Cultural Organization, in Paris, from 16 to 27 August 1983;

2. Requests the Secretary-General to ensure that adequate resources from the regular budget of the United Nations are provided urgently in order to enable the successful holding of the Conference and to carry out the necessary preparations for and follow-up activities to the Conference;

18/ A/37/366-S/15727, annex.

12. Decides to adjourn the seventh emergency special session temporarily and to authorize the President of the latest regular session of the General Assembly to resume its meetings upon request from Member States.

31st plenary meeting
19 August 1982

ES-7/7. International Conference on the Question of Palestine

The General Assembly,

Recalling its resolution 36/120 C of 10 December 1981, by which it decided to convene an International Conference on the Question of Palestine, not later than 1984, for a comprehensive effort to seek effective ways and means to enable the Palestinian people to attain and exercise its rights,

Deeply alarmed at the explosive situation in the Middle East resulting from the Israeli aggression against the sovereign State of Lebanon and the Palestinian people, which poses a threat to international peace and security,

Deeply aware of the responsibility of the United Nations under its Charter for the maintenance of international peace,

Gravely concerned that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security,

Taking note of the final communiqué of the Extraordinary Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Countries on the Question of Palestine, held at Nicosia from 15 to 17 July 1982, 18/

Recognizing the need to intensify all efforts by the international community to enable the Palestinian people to attain and exercise its inalienable rights as defined and reaffirmed in United Nations resolutions,

Stressing the importance of the work of the Preparatory Committee for the International Conference on the Question of Palestine and the need for securing the broadest possible involvement of Member States in the preparatory processes leading up to the Conference, and in the Conference itself,

1. Decides to convene the International Conference on the Question of Palestine at the headquarters of the United Nations Educational, Scientific and Cultural Organization, in Paris, from 16 to 27 August 1983;

2. Requests the Secretary-General to ensure that adequate resources from the regular budget of the United Nations are provided urgently in order to enable the successful holding of the Conference and to carry out the necessary preparations for and follow-up activities to the Conference;

18/ A/37/366-S/15727, annex.

3. Calls upon all States to co-operate with the Preparatory Committee for the International Conference on the Question of Palestine in the implementation of the present resolution and invites them to establish national focal points for effective co-ordination of preparations at the national level.

31st plenary meeting
19 August 1982

ES-7/8. International Day of Innocent Children Victims of Aggression

The General Assembly,

Having considered the question of Palestine at its resumed seventh emergency special session,

Appalled by the great number of innocent Palestinian and Lebanese children victims of Israel's acts of aggression,

Decides to commemorate 4 June of each year as the International Day of Innocent Children Victims of Aggression.

31st plenary meeting
19 August 1982

ES-7/9. Question of Palestine

The General Assembly,

Having considered the question of Palestine at its resumed seventh emergency special session,

Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people, 19/

Recalling and reaffirming, in particular, its resolution 194 (III) of 11 December 1948,

Appalled at the massacre of Palestinian civilians in Beirut,

Recalling Security Council resolutions 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 513 (1982) of 4 July 1982, 520 (1982) of 17 September 1982 and 521 (1982) of 19 September 1982,

Taking note of the reports of the Secretary-General relevant to the situation, particularly his report of 18 September 1982, 20/

19/ See A/ES-7/PV.32.

20/ S/15400.

3. Calls upon all States to co-operate with the Preparatory Committee for the International Conference on the Question of Palestine in the implementation of the present resolution and invites them to establish national focal points for effective co-ordination of preparations at the national level.

31st plenary meeting
19 August 1982

ES-7/8. International Day of Innocent Children Victims of Aggression

The General Assembly,

Having considered the question of Palestine at its resumed seventh emergency special session,

Appalled by the great number of innocent Palestinian and Lebanese children victims of Israel's acts of aggression,

Decides to commemorate 4 June of each year as the International Day of Innocent Children Victims of Aggression.

31st plenary meeting
19 August 1982

ES-7/9. Question of Palestine

The General Assembly,

Having considered the question of Palestine at its resumed seventh emergency special session,

Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people, 19/

Recalling and reaffirming, in particular, its resolution 194 (III) of 11 December 1948,

Appalled at the massacre of Palestinian civilians in Beirut,

Recalling Security Council resolutions 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 513 (1982) of 4 July 1982, 520 (1982) of 17 September 1982 and 521 (1982) of 19 September 1982,

Taking note of the reports of the Secretary-General relevant to the situation, particularly his report of 18 September 1982, 20/

19/ See A/ES-7/PV.32.

20/ S/15400.

Noting with regret that the Security Council has so far not taken effective and practical measures, in accordance with the Charter of the United Nations, to ensure implementation of its resolutions 508 (1982) and 509 (1982),

Referring to the humanitarian principles of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 21/ and to the obligations arising from the regulations annexed to the Hague Conventions of 1907, 22/

Deeply concerned at the sufferings of the Palestinian and Lebanese civilian populations,

Noting the homelessness of the Palestinian people,

Reaffirming the imperative need to permit the Palestinian people to exercise their legitimate rights,

1. Condemns the criminal massacre of Palestinian and other civilians in Beirut on 17 September 1982;
2. Urges the Security Council to investigate, through the means available to it, the circumstances and extent of the massacre of Palestinian and other civilians in Beirut on 17 September 1982, and to make public the report on its findings as soon as possible;
3. Decides to support fully the provisions of Security Council resolutions 508 (1982) and 509 (1982), in which the Council, inter alia, demanded that:
 - (a) Israel withdraw all its military forces forthwith and unconditionally to the internationally recognized boundaries of Lebanon;
 - (b) All parties to the conflict cease immediately and simultaneously all military activities within Lebanon and across the Lebanese-Israeli border;
4. Demands that all Member States and other parties observe strict respect for the sovereignty, territorial integrity, unity and political independence of Lebanon within its internationally recognized boundaries;
5. Reaffirms the fundamental principle of the inadmissibility of the acquisition of territory by force;
6. Resolves that, in conformity with its resolution 194 (III) and subsequent relevant resolutions, the Palestinian refugees should be enabled to return to their homes and property from which they have been uprooted and displaced, and demands that Israel comply unconditionally and immediately with the present resolution;

21/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

22/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

7. Urges the Security Council, in the event of continued failure by Israel to comply with the demands contained in resolutions 508 (1982) and 509 (1982) and the present resolution, to meet in order to consider practical ways and means in accordance with the Charter of the United Nations;

8. Calls upon all States and international agencies and organizations to continue to provide the most extensive humanitarian aid possible to the victims of the Israeli invasion of Lebanon;

9. Requests the Secretary-General to prepare a photographic exhibit of the massacre of 17 September 1982 and to display it in the United Nations visitors' hall;

10. Decides to adjourn the seventh emergency special session temporarily and to authorize the President of the latest regular session of the General Assembly to resume its meetings upon request from Member States.

32nd plenary meeting
24 September 1982

UNITED NATIONS



GENERAL
ASSEMBLY



SECURITY
COUNCIL

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GENERAL ASSEMBLY
Thirty-fifth session
Agenda item 24
QUESTION OF PALESTINE

SECURITY COUNCIL
Thirty-fifth year

Report of the Secretary-General

1. The present report is submitted in pursuance of paragraph 12 of General Assembly resolution ES-7/2, adopted on 29 July 1980 during its seventh emergency special session, in which the General Assembly requested the Secretary-General to report to it at its thirty-fifth session on the implementation of the resolution.
2. In that resolution, the General Assembly recalled and reaffirmed its resolutions 3236 (XXIX) and 3237 (XXIX) of 22 November 1974 and all other relevant United Nations resolutions pertinent to the question of Palestine (para. 1); reaffirmed, in particular, that a comprehensive, just and lasting peace in the Middle East could not be established, in accordance with the Charter of the United Nations and the relevant United Nations resolutions, without the withdrawal of Israel from all the occupied Palestinian and other Arab territories, including Jerusalem, and without the achievement of a just solution of the problem of Palestine on the basis of the attainment of the inalienable rights of the Palestinian people in Palestine (para. 2); reaffirmed the inalienable right of the Palestinians to return to their homes and property in Palestine, from which they had been displaced and uprooted, and called for their return (para. 3); reaffirmed also the inalienable rights in Palestine of the Palestinian people, including (a) the right to self-determination without external interference, and to national independence and sovereignty, and (b) the right to establish its own independent sovereign State (para. 4); reaffirmed the right of the Palestine Liberation Organization, the representative of the Palestinian people, to participate on an equal footing in all efforts, deliberations and conferences on the question of Palestine and the situation in the Middle East within the framework of the United Nations (para. 5); reaffirmed the fundamental principle of the inadmissibility of the acquisition of territory by force (para. 6); called upon Israel to withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, with all property and services intact, and urged that such withdrawal from all the occupied territories should start before 15 November 1980 (para. 7); demanded that Israel should fully comply with provisions of resolution 465 (1980) adopted unanimously by the Security Council on 1 March 1980 (para. 3); further demanded that Israel should fully comply with

all United Nations resolutions relevant to the historic character of the Holy City of Jerusalem, in particular Security Council resolution 476 (1980) of 30 June 1980 (para. 9); and expressed its opposition to all policies and plans aimed at the resettlement of the Palestinians outside their homeland (para. 10).

3. In a letter dated 30 July 1980, the Secretary-General requested the Permanent Representative of Israel to inform him at an early date of the measures taken or envisaged by the Government of Israel to implement the provisions of General Assembly resolution ES-7/2. The reply of the Permanent Representative of Israel is contained in a letter dated 4 November 1980. It reads as follows:

"I have the honour to refer to your letter of 30 July 1980 with which you enclosed a copy of resolution ES-7/2, adopted by the General Assembly on 29 July 1980.

"It will be recalled that Security Council resolution 242 (1967) constitutes the only agreed basis for a negotiated settlement of the Arab-Israel conflict.

"In this connection, I should like to refer to the statement made by the Minister for Foreign Affairs of Israel on 29 September 1980 in the course of the general debate at the thirty-fifth regular session of the General Assembly. On that occasion, the Foreign Minister stated that the Camp David Framework Accord for Peace in the Middle East - which is based on Security Council resolution 242 (1967) - is the only approach which is within the realm of the possible, and that, in accordance with that Framework Accord, negotiations have been taking place for the attainment of full autonomy for the Palestinian Arab inhabitants of Judea, Samaria and the Gaza District. He also urged those who genuinely seek peace to encourage the progress which has already been achieved in the Camp David process.

4. In paragraph 13 of General Assembly resolution ES-7/2, the General Assembly requested the Security Council, in the event of non-compliance by Israel with the resolution, to convene in order to consider the situation and the adoption of effective measures under Chapter VII of the Charter. By a note dated 5 August 1980 (S/14088), the Secretary-General brought to the attention of the Security Council General Assembly resolution ES-7/2 and in particular paragraph 13 of the resolution. The present report is being circulated as a document of the General Assembly and the Security Council.

5. In paragraph 11 of the resolution, the General Assembly requested and authorized the Secretary-General, in consultation, as appropriate, with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to take the necessary measures towards the implementation of the recommendations contained in paragraphs 59 to 72 of the report of the Committee to the General Assembly at its thirty-first session 1/ as a basis for the solution of the question

1/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 35 (A/31/35).

of Palestine. The Secretary-General has given careful consideration, in consultation with the Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, as to what measures he could take towards the implementation of the recommendations of the Committee. Those recommendations concern essentially (a) the establishment by the Security Council of a time-table for the complete withdrawal by the Israeli occupation forces from those areas occupied in 1967; (b) certain measures to be taken by the United Nations during and after the withdrawal, including the possibility of setting up temporary peace-keeping forces to facilitate the process of withdrawal; (c) measures to be taken to facilitate the return of displaced Palestinians to their homes and (d) action to be taken by the Security Council on the question of the Israeli settlements in occupied territories. With regard to the setting up of temporary peace-keeping forces, in the event of the Security Council taking a decision on this matter, contingency plans can be presented to the Council without delay. With regard to the return of displaced Palestinians, it may be recalled that in 1978 the Committee on the Exercise of the Inalienable Rights of the Palestinian People inquired what the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) might be able to do as preparatory work to implement the Committee's recommendations. The Commissioner-General of UNRWA stated in his reply that, given the authority, the funds and the co-operation of the Governments concerned, UNRWA could be capable of providing the assistance referred to by the Committee promptly, efficiently and economically. ^{2/} The Commissioner-General has reiterated this assurance to the Secretary-General. With respect to the other measures referred to in the recommendations of the Committee, such as those in paragraph 72 (e), (f) and (h) of the report of the Committee, they can be taken only after the question of the withdrawal has been resolved. The question of the withdrawal, as well as that of the settlements in occupied territories, has been dealt with by the General Assembly in paragraphs 7 and 8 of resolution ES-7/2 and also in its paragraph 12, which requests the Security Council to take up the matter in the case of non-compliance. The above conclusions of the Secretary-General have been brought to the attention of the Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

^{2/} Official Records of the General Assembly, Thirty-third Session, Supplement No. 35 (A/33/35), para. 45.

II. RESOLUTIONS²

ES-9/1. The situation in the occupied Arab territories

The General Assembly,

Having considered the item entitled "The situation in the occupied Arab territories" at its ninth emergency special session, in accordance with Security Council resolution 500 (1982) of 28 January 1982,

Noting with regret and concern that the Security Council, at its 2329th meeting, on 20 January 1982, failed to take appropriate measures against Israel, as requested by the Council in resolution 497 (1981) of 17 December 1981, as a result of the negative vote of a permanent member of the Council,

Recalling Security Council resolution 497 (1981),

Recalling its resolution 35/122 E of 11 December 1980,

Reaffirming its resolution 36/226 B of 17 December 1981,

Having considered the reports of the Secretary-General of 21 December 1981³ and 31 December 1981,⁴

Recalling its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression as, *inter alia*, "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof", and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as justification for aggression",

Stressing once again that the acquisition of territory by force is inadmissible under the Charter of the United Nations, the principles of international law and relevant United Nations resolutions,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁵ to the occupied Syrian territory,

Noting that Israel's record and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter,

Noting further that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, the latest being resolution 497 (1981),

1. *Strongly condemns* Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolution 36/226 B;

2. *Declares* that Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the

occupied Syrian Golan Heights constitutes an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. *Declares once more* that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights is null and void and has no legal validity and/or effect whatsoever;

4. *Determines* that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Golan Heights are illegal and invalid and shall not be recognized;

5. *Reaffirms* its determination that all the provisions of the Hague Conventions of 1907⁶ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon all parties thereto to respect and ensure respect of their obligations under these instruments in all circumstances;

6. *Determines* that the continued occupation of the Syrian Golan Heights since 1967 and its effective annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

7. *Strongly deplores* the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

8. *Further deplores* any political, economic, military and technological support to Israel that encourages Israel to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of occupied Arab territories;

9. *Firmly emphasizes* its demands that Israel, the occupying Power, rescind forthwith its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, which has resulted in the effective annexation of that territory;

10. *Reaffirms* the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is a primary requirement for the establishment of a comprehensive and just peace in the Middle East;

11. *Declares* that Israel's record and actions confirm that it is not a peace-loving Member State and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

12. *Calls upon* all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance which Israel receives from them;

² Resolutions adopted without reference to a Main Committee, the General Assembly having convened in plenary meeting only in accordance with rule 63 of its rules of procedure.

³ A/36/446 and Corr.1-S/14805 and Corr.1. For the printed text, see *Official Records of the Security Council, Thirty-sixth Year, Supplement for October, November and December 1981*, document S/14805.

⁴ *Official Records of the Security Council, Thirty-sixth Year, Supplement for October, November and December 1981*, document S/14821.

⁵ United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

⁶ Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

13. *Also calls upon* all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

14. *Urges* non-member States to act in accordance with the provisions of the present resolution;

15. *Calls upon* all specialized agencies of the United Nations system and international institutions to conform their relations with Israel to the terms of the present resolution;

16. *Requests* the Secretary-General to follow up the implementation of the present resolution and to report thereon at intervals of two months to Member States as well

as to the Security Council and to submit a comprehensive report to the General Assembly at its thirty-seventh session under the item entitled "The situation in the Middle East".

*12th plenary meeting
5 February 1982*

ES-9/2. Credentials of representatives to the ninth emergency special session of the General Assembly

The General Assembly

Approves the report of the Credentials Committee.⁷

*12th plenary meeting
5 February 1982*

⁷ *Official Records of the General Assembly, Ninth Emergency Special Session, Annexes, agenda item 3, document A/ES-9/6.*



General Assembly

Distr.
GENERAL

A/RES/ES-10/2
5 May 1997

Tenth emergency special session
Agenda item 5

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee (A/ES-10/L.1 and Add.1)]

ES-10/2. Illegal Israeli actions in occupied East
Jerusalem and the rest of the Occupied
Palestinian Territory

The General Assembly,

Aware of the commencement, after the adoption of General Assembly resolution 51/223 of 13 March 1997, of construction by Israel, the occupying Power, of a new settlement in Jebel Abu Ghneim to the south of East Jerusalem on 18 March 1997, and of other illegal Israeli actions in Jerusalem and the rest of the Occupied Palestinian Territory,

Noting with regret that the Security Council, at its 3747th meeting, on 7 March 1997, and at its 3756th meeting, on 21 March 1997, twice failed to adopt a resolution on the actions referred to above, as a result of the negative vote of a permanent member of the Council,

Reaffirming the permanent responsibility of the United Nations with regard to the question of Palestine until it is solved in all its aspects,

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

Having considered the serious deterioration of the situation in the Occupied Palestinian Territory, including Jerusalem, and in the Middle East in general, including the serious difficulties facing the Middle East peace process, as a result of recent Israeli actions and measures,

Affirming its support for the Middle East peace process, started at Madrid in 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978, for the principle of land for peace and for the full and timely

implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, and of all commitments reached between the parties,

Recalling its relevant resolutions, including resolutions 181 (II) of 29 November 1947 and 51/223, and the relevant resolutions of the Security Council, in particular those on Jerusalem and Israeli settlements in the occupied territories, including resolutions 252 (1968) of 21 May 1968, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 672 (1990) of 12 October 1990 and 1073 (1996) of 28 September 1996,

Reaffirming that the international community, through the United Nations, has a legitimate interest in the question of the City of Jerusalem and the protection of the unique spiritual and religious dimension of the City, as foreseen in relevant United Nations resolutions on this matter,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ and the Regulations annexed to the Hague Convention IV of 1907² to the Occupied Palestinian Territory, including Jerusalem, and all other Arab territories occupied by Israel since 1967,

Recalling the obligation of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to respect and ensure respect for the Convention in all circumstances, in accordance with article 1 of the Convention,

Conscious of the serious dangers arising from persistent violation and grave breaches of the Convention and the responsibilities arising therefrom,

Convinced that ensuring respect for treaties and other sources of international law is essential for the maintenance of international peace and security, and determined, in accordance with the preamble to the Charter of the United Nations, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained,

Also convinced, in this context, that the repeated violation by Israel, the occupying Power, of international law and its failure to comply with relevant Security Council and General Assembly resolutions and the agreements reached between the parties undermine the Middle East peace process and constitute a threat to international peace and security,

Increasingly concerned about the actions of armed Israeli settlers in the Occupied Palestinian Territory, including Jerusalem,

Aware that, in the circumstances, it should consider the situation with a view to making appropriate recommendations to the States Members of the

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

² See Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

United Nations, in accordance with General Assembly resolution 377 A (V) of 3 November 1950,

1. Condemns the construction by Israel, the occupying Power, of a new settlement in Jebel Abu Ghneim to the south of occupied East Jerusalem and all other illegal Israeli actions in all the occupied territories;

2. Reaffirms that all legislative and administrative measures and actions taken by Israel, the occupying Power, that have altered or purported to alter the character, legal status and demographic composition of Jerusalem are null and void and have no validity whatsoever;

3. Reaffirms also that Israeli settlements in all the territories occupied by Israel since 1967 are illegal and an obstacle to peace;

4. Demands immediate and full cessation of the construction in Jebel Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem;

5. Demands also that Israel accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ to all the territories occupied since 1967, and that it comply with relevant Security Council resolutions, in accordance with the Charter of the United Nations;

6. Stresses the need to preserve the territorial integrity of all of the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods in the territory, including the removal of restrictions into and from East Jerusalem, and the freedom of movement to and from the outside world;

7. Calls for the cessation of all forms of assistance and support for illegal Israeli activities in the Occupied Palestinian Territory, including Jerusalem, in particular settlement activities;

8. Recommends to the States that are High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to take measures, on a national or regional level, in fulfilment of their obligations under article 1 of the Convention, to ensure respect by Israel, the occupying Power, of the Convention;

9. Requests the Secretary-General to monitor the situation and to submit a report on the implementation of the present resolution, within two months of its adoption, in particular on the cessation of the construction of the new settlement in Jebel Abu Ghneim and of all other illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory;

10. Expresses the need for scrupulous implementation of the agreements reached between the parties, and urges the sponsors of the peace process, the interested parties and the entire international community to exert all the necessary efforts to revive the peace process and to ensure its success;

11. Recommends that a comprehensive, just and lasting solution to the question of the City of Jerusalem, which should be reached in permanent status negotiations between the parties, should include internationally guaranteed

/...

provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the Holy Places by the faithful of all religions and nationalities;

12. Rejects terrorism in all its forms and manifestations, in accordance with all relevant United Nations resolutions and declarations;

13. Decides to adjourn the tenth emergency special session of the General Assembly temporarily and to authorize the President of the General Assembly to resume its meetings upon request from Member States.

3rd plenary meeting
25 April 1997



General Assembly

Distr.
GENERAL

A/RES/ES-10/3
30 July 1997

Tenth emergency special session
Agenda item 5

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[Without reference to a Main Committee (A/ES-10/L.2/Rev.1)]

ES-10/3. Illegal Israeli actions in Occupied East
Jerusalem and the rest of the Occupied
Palestinian Territory

The General Assembly,

Having received with appreciation the report of the Secretary-General,¹

Recalling all relevant United Nations resolutions,

Reaffirming its resolution ES-10/2 of 25 April 1997,

Having been informed in the report of the Secretary-General that, inter alia, the Government of Israel, as of 20 June 1997, has not abandoned its construction of the new Israeli settlement at Jebel Abu Ghneim and that settlement activity, including the expansion of existing settlements, the construction of bypass roads, the confiscation of lands adjacent to settlements and related activities, in violation of Security Council resolutions on the matter, continues unabated throughout the Occupied Palestinian Territory, and also that the Israeli Prime Minister and other representatives of the Government continue to reject the terms of resolution ES-10/2 requiring the cessation of those activities,

Aware that, in the light of the position of the Government of Israel, as indicated in the report of the Secretary-General, the General Assembly should once more consider the situation with a view to making additional appropriate recommendations to States Members of the United Nations, in accordance with General Assembly resolution 377 A (V) of 3 November 1950,

¹ A/ES-10/6-S/1997/494 and Corr.1 and A/ES-10/6/Add.1-S/1997/494/Add.1.

1. Condemns the failure of the Government of Israel to comply with the demands made by the General Assembly at its tenth emergency special session in resolution ES-10/2;

2. Strongly deplores the lack of cooperation of the Government of Israel and its attempts to impose restrictions upon the intended mission of the Special Envoy of the Secretary-General to Israel and the Occupied Palestinian Territory, including Jerusalem;

3. Reaffirms that all illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, especially settlement activity, and the practical results thereof cannot be recognized, irrespective of the passage of time;

4. Reiterates the demands made in resolution ES-10/2, in particular for the immediate and full cessation of the construction of a new settlement at Jebel Abu Ghneim, to the south of Occupied East Jerusalem, and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem;

5. Demands that Israel, the occupying Power, immediately cease and reverse all actions taken illegally, in contravention of international law, against Palestinian Jerusalemites;

6. Recommends to Member States that they actively discourage activities which directly contribute to any construction or development of Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, as these activities contravene international law;

7. Demands that Israel, the occupying Power, make available to Member States the necessary information about goods produced or manufactured in the illegal settlements in the Occupied Palestinian Territory, including Jerusalem;

8. Stresses that all Member States, in order to ensure their rights and benefits resulting from membership, should fulfil in good faith the obligations assumed by them in accordance with the provisions of the Charter of the United Nations;

9. Emphasizes the responsibilities, including personal ones, arising from persistent violations and grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;²

10. Recommends that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect, in accordance with common article 1, and requests the Secretary-General to present a report on the matter within three months;

² United Nations, Treaty Series, vol. 75, No. 973.

11. Calls for the reinjection of momentum into the stalled Middle East peace process and for the implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, as well as for the upholding of the principles of the process, including the exchange of land for peace, and calls upon the two sides to refrain from actions that impede the peace process by pre-empting permanent status negotiations;

12. Stresses the need for actions in accordance with the Charter, to continue to ensure respect for international law and relevant United Nations resolutions;

13. Decides to adjourn the tenth emergency special session of the General Assembly temporarily and to authorize the President of the most recent General Assembly to resume its meetings upon request from Member States.

5th plenary meeting

15 July 1997



General Assembly

Distr.
GENERAL

A/RES/ES-10/4
19 November 1997

Tenth emergency special session
Agenda item 5

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee (A/ES-10/L.3 and Add.1)]

ES-10/4. Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Having received the report of the Secretary-General submitted in accordance with paragraph 10 of its resolution ES-10/3 of 15 July 1997,¹

Having received at an earlier date the report of the Secretary-General submitted in accordance with paragraph 9 of its resolution ES-10/2 of 25 April 1997,²

Determined to uphold the purposes and principles of the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant General Assembly and Security Council resolutions,

Reiterating the demands made in resolutions ES-10/2 and ES-10/3, namely:

(a) The immediate and full cessation of the construction in Jebel Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem;

¹ A/ES-10/16-S/1997/798 and Add.1; see *Official Records of the Security Council, Fifty-second Year, Supplement for October, November and December 1997*, document S/1997/798.

² A/ES-10/6-S/1997/494 and Corr.1 and Add.1; see *Official Records of the Security Council, Fifty-second Year, Supplement for July, August and September 1997*, document S/1997/494.

(b) That Israel accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,³ to all the territories occupied since 1967, and that it comply with relevant Security Council resolutions, in accordance with the Charter of the United Nations;

(c) That Israel, the occupying Power, immediately cease and reverse all actions taken illegally, in contravention of international law, against Palestinian Jerusalemites;

(d) That Israel, the occupying Power, make available to Member States the necessary information about goods produced or manufactured in the illegal settlements in the Occupied Palestinian Territory, including Jerusalem,

Aware that Israel, the occupying Power, has not heeded any of the above-mentioned demands and that it continues with its illegal actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,

Having been informed in the report of the Secretary-General² of the responses of the High Contracting Parties to the Geneva Convention and of the collective responses transmitted through letters from the President of the Coordinating Bureau of the Movement of Non-Aligned Countries, the Secretary-General of the League of Arab States and the Presidency of the Council of the European Union, to the note sent by the Government of Switzerland in its capacity as the depository of the Convention,

Reaffirming the permanent responsibility of the United Nations with regard to the question of Palestine until it is solved in all its aspects,

Having received a letter dated 20 August 1997 from the Permanent Observer Mission of Palestine to the United Nations,⁴ informing about specific cases of assistance by individuals for illegal settlement activities,

Gravely concerned at the continuing deterioration of the Middle East peace process and the lack of implementation of the agreements reached,

Reaffirming that all illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, especially settlement activities, and the practical results thereof, cannot be recognized irrespective of the passage of time,

Recalling its rejection of terrorism in all its forms and manifestations in accordance with all relevant resolutions and declarations of the United Nations

1. *Condemns* the failure of the Government of Israel to comply with the provisions of resolutions ES-10/2 and ES-10/3, in particular the continuation of the building of a new settlement in Jebel Abu Ghneim to the south of Occupied East Jerusalem;

2. *Reiterates its call* for the cessation of all forms of assistance and support for illegal Israeli activities in the Occupied Palestinian Territory, including Jerusalem, in particular settlement activities;

3. *Reiterates its recommendation* to the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War,³ to take measures on a national or regional level, in

³ United Nations, *Treaty Series*, vol. 75, No. 973.

⁴ A/ES-10/14.

fulfilment of their obligations under article 1 of the Convention, to ensure respect by Israel, the occupying Power, of the Convention, as well as its recommendation to Member States to actively discourage activities that directly contribute to any construction or development of Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, as these activities contravene international law;

4. *Reiterates also its recommendation* that the High Contracting Parties to the Geneva Convention convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect in accordance with common article 1;

5. *Recommends* to the Government of Switzerland, in its capacity as the depository of the Geneva Convention, to undertake the necessary steps, including the convening of a meeting of experts in order to follow up on the above-mentioned recommendation, as soon as possible and with a target date not later than the end of February 1998;

6. *Requests* the Government of Switzerland to invite the Palestine Liberation Organization to participate in the above-mentioned conference and any preparatory steps for that conference;

7. *Calls* for reinjecting momentum into the stalled Middle East peace process and for the implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, as well as for the upholding of the principles of the process, including the exchange of land for peace;

8. *Decides* that, in case of continuous lack of compliance by Israel, the occupying Power, with the provisions of resolutions ES-10/2 and ES-10/3, it shall reconsider the situation with a view to making further appropriate recommendations to the States Members of the United Nations in accordance with its resolution 377 A (V) of 3 November 1950;

9. *Decides* to adjourn the tenth emergency special session of the General Assembly temporarily and to authorize the President of the most recent General Assembly to resume its meetings upon request from Member States.

*7th plenary meeting
13 November 1997*



General Assembly

Distr.
GENERAL

A/RES/ES-10/5
20 March 1998

Tenth emergency special session
Agenda item 5

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee (A/ES-10/L.4/Rev.1 and Add.1)]

ES-10/5. Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Reaffirming its resolutions ES-10/2 of 25 April 1997, ES-10/3 of 15 July 1997 and ES-10/4 of 13 November 1997,

Determined to uphold the purposes and principles of the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant General Assembly and Security Council resolutions,

Increasingly concerned about the persistent violations by Israel, the occupying Power, of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ including its settlement construction at Jebel Abu Ghneim to the south of Occupied East Jerusalem, and its failure to accept the *de jure* applicability of the Convention to the Occupied Palestinian Territory, including Jerusalem, and the rest of the Arab territories occupied since 1967,

Aware that the necessary steps recommended in paragraph 5 of resolution ES-10/4, including the convening of a meeting of experts with a target date not later than the end of February 1998 in order to follow up on the recommendations mentioned in paragraph 10 of resolution ES-10/3 and paragraph 4 of resolution ES-10/4, remain to be fulfilled,

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

1. *Reiterates its condemnation* of the failure of the Government of Israel to comply with the provisions of resolutions ES-10/2, ES-10/3 and ES-10/4;
2. *Reiterates* all the demands made in resolutions ES-10/2, ES-10/3 and ES-10/4, and stresses the necessity of the full and immediate implementation by Israel, the occupying Power, of those demands;
3. *Reiterates once again its recommendation* that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949¹ convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect in accordance with common article 1;
4. *Reiterates its recommendation* to the Government of Switzerland, in its capacity as the depositary of the Geneva Convention, to undertake the necessary preparatory steps, including the convening of a meeting of experts in order to follow up on the above-mentioned recommendation;
5. *Extends* the target date for the convening of the meeting of experts of the High Contracting Parties until the end of April 1998;
6. *Reiterates* the request made in paragraph 6 of resolution ES-10/4 to the Government of Switzerland to invite the Palestine Liberation Organization to participate in the above-mentioned conference and in any preparatory steps for that conference;
7. *Reiterates its decision* that, in case of continued lack of compliance by Israel, the occupying Power, with the provisions of resolutions ES-10/2, ES-10/3 and ES-10/4, it shall reconsider the situation with a view to making further appropriate recommendations to the States Members of the United Nations in accordance with its resolution 377 A (V) of 3 November 1950;
8. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the most recent General Assembly to resume its meeting upon request from Member States.

*9th plenary meeting
17 March 1998*



General Assembly

Distr.
GENERAL

A/RES/ES-10/6
24 February 1999

Tenth emergency special session
Agenda item 5

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*without reference to a Main Committee (A/ES-10/L.5/Rev.1)*]

ES-10/6. Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Reaffirming the resolutions of its tenth emergency special session, namely, ES-10/2 of 25 April 1997, ES-10/3 of 15 July 1997, ES-10/4 of 13 November 1997 and ES-10/5 of 17 March 1998,

Determined to uphold the purposes and principles embodied in the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant General Assembly and Security Council resolutions,

Reiterating the permanent responsibility of the United Nations towards the question of Palestine until it is solved in all its aspects,

Aware that Israel, the occupying Power, has not heeded the demands made in the resolutions of the tenth emergency special session and that it continues to carry out illegal actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, in particular settlement activity, including the construction of the new Israeli settlement at Jebel Abu Ghneim, the building of other new settlements and the expansion of existing settlements, the construction of bypass roads and the confiscation of lands,

Reaffirming that all illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, especially settlement activities and the practical results thereof, remain contrary to international law and cannot be recognized, irrespective of the passage of time,

Expressing its appreciation to the Government of Switzerland, in its capacity as depositary of the four Geneva Conventions,¹ and to the International Committee of the Red Cross for their efforts to uphold the integrity of the Conventions,

Increasingly concerned about the persistent violations by Israel, the occupying Power, of the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,²

Conscious of the serious dangers arising from persistent violations and grave breaches of the Fourth Geneva Convention and the responsibilities arising therefrom,

Aware of the upcoming fiftieth anniversary of the four Geneva Conventions, which is an occasion for renewed determination to promote international humanitarian law further and to reaffirm the undertaking by the High Contracting Parties to respect and to ensure respect for the Conventions in all circumstances in accordance with common article 1,

Taking note of the measure taken by the Government of Switzerland to organize a meeting between the Palestinian and Israeli sides, in the presence of the International Committee of the Red Cross, which was held at Geneva from 9 to 11 June 1998 and was aimed at examining ways to contribute to the effective application of the Fourth Geneva Convention in the Occupied Palestinian Territory, and expressing disappointment that Israeli violations of the Convention continued unabated in spite of such a measure,

Taking note also of the meeting of experts of the High Contracting Parties, convened from 27 to 29 October 1998 at the invitation of the Government of Switzerland, in its capacity as the depositary of the Convention, on general problems concerning the Convention, in particular in occupied territories, as well as of the Chairman's report of the proceedings of that meeting,

Gravely concerned at the suspension, on 20 December 1998, by the Government of Israel of the implementation of the Wye River Memorandum, signed at the White House in Washington, D.C., on 23 October 1998, including the negotiations on the final settlement, which should be concluded by 4 May 1999,

Determined to persist in its work to bring about compliance by Israel, the occupying Power, with the terms of resolutions adopted by the tenth emergency special session,

Aware that, under the circumstances, it should continue to consider the situation with a view to making appropriate recommendations to the States Members of the United Nations in accordance with General Assembly resolution 377 A (V) of 3 November 1950,

1. *Reiterates its condemnation* of the failure of the Government of Israel to comply with the provisions of resolutions ES-10/2, ES-10/3, ES-10/4 and ES-10/5;

¹ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

² *Ibid.*, No. 973.

2. *Expresses its grave concern* at the adoption by the Knesset of the law of 26 January 1999 and the legislation of 27 January 1999, and reaffirms that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character, legal status and demographic composition of Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, are all null and void and have no validity whatsoever;

3. *Reiterates* in the strongest terms all the demands made of Israel, the occupying Power, in the above-mentioned resolutions of the tenth emergency special session, including the immediate and full cessation of the construction at Jebel Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Occupied East Jerusalem, the acceptance of the *de jure* applicability of the Fourth Geneva Convention and compliance with relevant Security Council resolutions, the cessation and reversal of all actions taken illegally against Palestinian Jerusalemites and the provision of information about goods produced or manufactured in the settlements;

4. *Reiterates also* its previous recommendations to Member States for the cessation of all forms of assistance and support for illegal Israeli activities in the Occupied Palestinian Territory, including Jerusalem, in particular settlement activities and actively to discourage activities that directly contribute to any construction or development of those settlements;

5. *Affirms* that, in spite of the actual deterioration of the Middle East peace process as a result of the lack of compliance by the Government of Israel with the existing agreements, increased efforts must be exerted to bring the peace process back on track and to continue the process towards the achievement of a just, comprehensive and lasting peace in the region on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace, as well as Security Council resolution 425 (1978);

6. *Reiterates* its recommendation that the High Contracting Parties to the Fourth Geneva Convention convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure respect thereof in accordance with common article 1, and further recommends that the High Contracting Parties convene the said conference on 15 July 1999 at the United Nations Office at Geneva;

7. *Invites* the Government of Switzerland, in its capacity as the depositary of the Geneva Convention, to undertake whatever preparations are necessary prior to the conference;

8. *Requests* the Secretary-General to make the necessary facilities available to enable the High Contracting Parties to convene the conference;

9. *Expresses its confidence* that Palestine, as a party directly concerned, will participate in the above-mentioned conference;

10. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the most recent General Assembly to resume its meeting upon request from Member States.

*12th plenary meeting
9 February 1999*



General Assembly

Distr.: General
1 November 2000

Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/ES-10/L.6)]

ES-10/7. Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Reaffirming the resolutions of its tenth emergency special session and the necessity of full implementation of those resolutions,

Welcoming the adoption by the Security Council of resolution 1322 (2000) of 7 October 2000, and stressing the urgent need for full compliance with the resolution,

Expressing its deep concern over the provocative visit to Al-Haram Al-Sharif on 28 September 2000 and the tragic events that followed in Occupied East Jerusalem and other places in the Occupied Palestinian Territory, which resulted in a high number of deaths and injuries mostly among Palestinian civilians,

Expressing its deep concern also over the clashes between the Israeli army and the Palestinian police and the casualties on both sides,

Reaffirming that a just and lasting solution to the Arab-Israeli conflict must be based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, through an active negotiation process which takes into account the right of security for all States in the region, as well as the legitimate rights of the Palestinian people, including their right to self-determination,

Expressing its support for the Middle East peace process and the efforts to reach a final settlement between the Israeli and the Palestinian sides, and urging the two sides to cooperate in these efforts,

Reaffirming the need for the full respect by all for the Holy Places of Occupied East Jerusalem, and condemning any behaviour to the contrary,

Reaffirming also the need for the full respect by all for the Holy Places in the rest of the Occupied Palestinian Territory, as well as in Israel, and condemning any behaviour to the contrary,

Determined to uphold the purposes and principles embodied in the Charter of the United Nations, international humanitarian law and all other instruments of

international law, as well as relevant resolutions of the General Assembly and Security Council,

Reiterating the permanent responsibility of the United Nations for the question of Palestine until it is solved in all its aspects,

Conscious of the serious dangers arising from persistent violations and grave breaches of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ and the responsibility arising therefrom,

Stressing the urgent need for providing protection for the Palestinian civilians in the Occupied Palestinian Territory,

Noting the convening, on 15 July 1999, for the first time, of the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, at the United Nations Office at Geneva, and welcoming the statement adopted by the participating high contracting parties,

1. *Condemns* the violence that took place on 28 September 2000 and the following days at Al-Haram Al-Sharif and other Holy Places in Jerusalem as well as other areas in the Occupied Palestinian Territory, resulting in the deaths of over 100 people, the vast majority of whom were Palestinian civilians, and many other casualties;

2. *Condemns also* acts of violence, especially the excessive use of force by the Israeli forces against Palestinian civilians;

3. *Expresses support* for the understandings reached at the summit convened at Sharm el-Sheikh, Egypt, and urges all parties concerned to implement these understandings honestly and without delay;

4. *Demands* the immediate cessation of violence and the use of force, calls upon the parties to act immediately to reverse all measures taken in this regard since 28 September 2000, and acknowledges that necessary steps have been taken by the parties in this direction since the summit of Sharm el-Sheikh;

5. *Reiterates* that Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, are illegal and are an obstacle to peace, and calls for the prevention of illegal acts of violence by Israeli settlers;

6. *Demands* that Israel, the occupying Power, abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War,¹ which is applicable to all territories occupied by Israel since 1967;

7. *Strongly supports* the establishment of a mechanism of inquiry into the recent tragic events, with the aim of establishing all the precise facts and preventing the repetition of these events, and in this regard strongly supports also the understanding reached at Sharm el-Sheikh about a committee of fact-finding, and calls for its establishment without delay;

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

8. *Supports* the efforts of the Secretary-General, including his efforts for the establishment of the above-mentioned committee, and requests him to report to the Assembly on the progress made in these efforts;

9. *Calls upon* the members of the Security Council to follow the situation closely, including the implementation of Council resolution 1322 (2000), in fulfilment of the Council's primary responsibility for the maintenance of international peace and security;

10. *Invites* the depositary of the Fourth Geneva Convention to consult on the development of the humanitarian situation in the field, in accordance with the statement adopted on 15 July 1999 by the above-mentioned Conference of High Contracting Parties to the Convention, with the aim of ensuring respect for the Convention in all circumstances in accordance with common article 1 of the four Conventions;

11. *Supports* the efforts towards the resumption of the Israeli-Palestinian negotiations within the Middle East peace process on its agreed basis, and calls for the speedy conclusion of the final settlement agreement between the two sides;

12. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.

*14th plenary meeting
20 October 2000*



General Assembly

Distr.: General
24 December 2001

Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/ES-10/L.7)]

ES-10/8 Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Recalling its relevant resolutions,

Recalling also relevant Security Council resolutions, including resolution 1322 (2000) of 7 October 2000,

Emphasizing the need for a just, lasting and comprehensive peace in the Middle East based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace,

Emphasizing also in that regard the essential role of the Palestinian Authority, which remains the indispensable and legitimate party for peace and needs to be preserved fully,

Expressing its grave concern at the continuation of the tragic and violent events that have taken place since September 2000,

Expressing also its grave concern at the recent dangerous deterioration of the situation and its possible impact on the region,

Emphasizing further the importance of the safety and well-being of all civilians in the whole Middle East region, and condemning in particular all acts of violence and terror resulting in the deaths and injuries among Palestinian and Israeli civilians,

Expressing its determination to contribute to ending the violence and to promoting dialogue between the Israeli and Palestinian sides,

Reiterating the need for the two sides to comply with their obligations under the existing agreements,

Also reiterating the need for Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,¹

1. *Demands* the immediate cessation of all acts of violence, provocation and destruction, as well as the return to the positions and arrangements that existed prior to September 2000;
2. *Condemns* all acts of terror, in particular those targeting civilians;
3. *Also condemns* all acts of extrajudiciary executions, excessive use of force and wide destruction of properties;
4. *Calls upon* the two sides to start the comprehensive and immediate implementation of the recommendations made in the report of the Sharm el-Sheikh Fact-Finding Committee (Mitchell report) in a speedy manner;
5. *Encourages* all concerned to establish a monitoring mechanism to help the parties implement the recommendations of the report of the Fact-Finding Committee and to help to create a better situation in the Occupied Palestinian Territory;
6. *Calls* for the resumption of negotiations between the two sides within the Middle East peace process on its agreed basis, taking into consideration developments in previous discussions between the two sides, and urges them to reach a final agreement on all issues, on the basis of their previous agreements, with the objective of implementing Security Council resolutions 242 (1967) and 338 (1973);
7. *Decides* to remain seized of the matter.

*15th plenary meeting
20 December 2001*

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



General Assembly

Distr.: General
24 December 2001

Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/ES-10/L.7)]

ES-10/9 Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Recalling its relevant resolutions, including resolutions of the tenth emergency special session on the situation in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,

Recalling also relevant Security Council resolutions, including resolutions 237 (1967) of 14 June 1967, 242 (1967) of 22 November 1967, 259 (1968) of 27 September 1968, 271 (1969) of 15 September 1969, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 484 (1980) of 19 December 1980, 592 (1986) of 8 December 1986, 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 641 (1989) of 30 August 1989, 672 (1990) of 12 October 1990, 673 (1990) of 24 October 1990, 681 (1990) of 20 December 1990, 694 (1991) of 24 May 1991, 726 (1992) of 6 January 1992, 799 (1992) of 18 December 1992, 904 (1994) of 18 March 1994 and 1322 (2000) of 7 October 2000,

Taking note with appreciation of the convening of the Conference of High Contracting Parties to the Fourth Geneva Convention, on 15 July 1999, as recommended by the General Assembly in its resolution ES-10/6 of 9 February 1999, and the statement adopted by the Conference,

Taking note with appreciation also of the reconvening of the above-mentioned Conference, on 5 December 2001, and the important declaration adopted by the Conference,

Recalling relevant provisions of the Rome Statute of the International Criminal Court,¹

¹ A/CONF.183/9.

Reaffirming the position of the international community on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, as illegal and as an obstacle to peace,

Expressing its concern at Israeli actions taken recently against the Orient House and other Palestinian institutions in Occupied East Jerusalem as well as other illegal Israeli actions aimed at altering the status of the city and its demographic composition,

Reiterating the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949² to the Occupied Palestinian Territory, including East Jerusalem,

Stressing that the Fourth Geneva Convention, which takes fully into account imperative military necessity, has to be respected in all circumstances,

Bearing in mind the relevant provisions of the Charter of the United Nations, including Article 96 thereof,

1. *Expresses its full support* for the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, convened on 5 December 2001 at Geneva;

2. *Calls upon* all members and observers of the United Nations as well as the Organization and its agencies to observe the above-mentioned declaration;

3. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.

*15th plenary meeting
20 December 2001*

² United Nations, *Treaty Series*, vol. 75, No. 973.



General Assembly

Distr.: General
14 May 2002

Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/ES-10/L.9/Rev.1)]

ES-10/10. Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Recalling its resolutions, including the resolutions of the tenth emergency special session on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,

Expressing its grave concern at the continuation of the tragic and violent events that have taken place since September 2000, especially the recent attacks and the increased number of casualties,

Expressing its profound concern at the grave situation in the Occupied Palestinian Territory, including Jerusalem, particularly since the start of the Israeli military attack on Palestinian cities and the Palestinian Authority on 29 March 2002,

Gravely concerned at the extensive loss of life and injuries suffered by the Palestinian people, as well as the destruction of both public and private property, including homes and institutions of the Palestinian Authority,

Gravely concerned in particular at the reports of grave breaches of international humanitarian law committed in the Jenin refugee camp and other Palestinian cities by the Israeli occupying forces,

Expressing its profound concern at the dire humanitarian situation of the Palestinian civilian population, including the lack of access to food, water and medicines, owing to the Israeli siege and the attacks on Palestinian cities,

Deploring the destruction of holy sites in the Occupied Palestinian Territory, including mosques and churches, and expressing its expectation that the Israeli military siege on the Church of the Nativity in Bethlehem will end immediately,

Noting that Security Council resolutions 1402 (2002) of 30 March 2002 and 1403 (2002) of 4 April 2002 have not yet been fully implemented,

Noting also that Israel, the occupying Power, has refused to cooperate with the Secretary-General's fact-finding team to the Jenin refugee camp, in disregard of Security Council resolution 1405 (2002) of 19 April 2002, noting as well the decision of the Secretary-General to disband the team, and welcoming his efforts to develop accurate information regarding the recent events,

Taking note that the Security Council is yet to take the necessary measures in response to the Israeli refusal to cooperate with the fact-finding team and the ensuing developments,

Reaffirming the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949¹ to the Occupied Palestinian Territory, including Occupied East Jerusalem,

Reiterating the obligation of Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention,

Deploring Israel's disregard for relevant Security Council resolutions, and stressing the need for full accountability in this regard,

Welcoming and encouraging the diplomatic efforts of special envoys from the United States of America, the Russian Federation, the European Union and the United Nations, as well as others, to bring about a comprehensive, just and lasting peace in the Middle East,

1. *Condemns* the attacks committed by the Israeli occupying forces against the Palestinian people in several Palestinian cities, particularly in the Jenin refugee camp;

2. *Also condemns* the refusal by Israel, the occupying Power, to cooperate with the Secretary-General's fact-finding team to the Jenin refugee camp, in disregard of Security Council resolution 1405 (2002);

3. *Emphasizes* the importance of the safety and well-being of all civilians in the whole Middle East region, and condemns in particular all acts of violence and terror resulting in deaths and injuries among Palestinian and Israeli civilians;

4. *Demands* the immediate and full implementation of Security Council resolution 1402 (2002);

5. *Calls* for the implementation of the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, reconvened in Geneva on 5 December 2001, through concrete action on the national, regional and international levels to ensure respect by Israel, the occupying Power, of the provisions of the Convention;

6. *Requests* the Secretary-General to present a report, drawing upon the available resources and information, on the recent events that took place in Jenin and in other Palestinian cities;

7. *Demands* that Israel, the occupying Power, cease all hindrances and obstacles to the work of humanitarian organizations and the United Nations agencies in the Occupied Palestinian Territory, in particular the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East, including by lifting the restrictions on the freedom of movement and ensuring a free and safe access of staff and vehicles;

8. *Calls* for the provision of urgently needed assistance and services to help in alleviating the current humanitarian situation and the reconstruction efforts, including the rebuilding of the institutions of the Palestinian Authority;

9. *Calls upon* all concerned parties to redouble their efforts to assist the parties to end the current crisis and bring them back to negotiations towards the achievement of a final settlement on all issues, including the establishment of the State of Palestine;

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

10. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meetings upon request from Member States.

*17th plenary meeting
7 May 2002*



General Assembly

Distr.: General
10 September 2002

Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/ES-10/L.11)]

ES-10/11. Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Recalling its relevant resolutions, including the resolutions of the tenth emergency special session on the situation in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,

Having received with interest the report of the Secretary-General prepared pursuant to General Assembly resolution ES-10/10 on the recent events that took place in Jenin and in other Palestinian cities in the period from the beginning of March to 7 May 2002,¹

Strongly deploring the lack of Israeli cooperation in implementing Security Council resolution 1405 (2002) of 19 April 2002, and in the preparation of the report,

Noting that a full and complete account of the events that took place in Jenin and in other Palestinian cities could not be obtained,

Reiterating the obligation of Israel, the occupying Power, fully and effectively to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,² in the Occupied Palestinian Territory, including Jerusalem, and noting that the Convention, which takes fully into account imperative military necessity, has to be respected in all circumstances,

Gravely concerned at the tragic and violent events that have taken place since September 2000 and at the continued violence in the Occupied Palestinian Territory, including Jerusalem, as well as in Israel,

Gravely concerned also at the reoccupation of Palestinian cities, the continuation of severe restrictions on the movement of persons and goods, the severe deterioration of the economic situation and the living conditions, together with the dire humanitarian crisis facing the Palestinian people,

Stressing the need to end the Israeli occupation,

¹ A/ES-10/186.

² United Nations, *Treaty Series*, vol. 75, No. 973.

Emphasizing the importance of the safety and well-being of all civilians in the whole Middle East region, and condemning all attacks against civilians on both sides,

1. *Takes note* of the report of the Secretary-General;¹
2. *Demands* the immediate cessation of military incursions and all acts of violence, terror, provocation, incitement and destruction;
3. *Also demands* the immediate withdrawal of the Israeli occupying forces from Palestinian population centres towards a return to the positions held prior to September 2000;
4. *Stresses* the need for all concerned parties to ensure the safety of civilians, and to respect the universally accepted norms of international humanitarian law;
5. *Emphasizes* the urgency of ensuring that medical and humanitarian organizations are granted unhindered access to the Palestinian civilian population at all times;
6. *Stresses* the need for the High Contracting Parties to follow up on the implementation of the declaration adopted on 5 December 2001 by the Conference of High Contracting Parties to the Fourth Geneva Convention;
7. *Calls* for the urgently needed assistance and services to help in alleviating the current dire humanitarian situation facing the Palestinian people and to assist in rebuilding and revitalizing the Palestinian economy, and expresses support for efforts in the reconstruction of the Palestinian Authority, the reform of Palestinian institutions and the holding of democratic and free elections;
8. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meetings upon request from Member States.

*19th plenary meeting
5 August 2002*



General Assembly

Distr.: General
25 September 2003

Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/ES-10/L.12 and Add.1)]

ES-10/12. Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Recalling the previous resolutions adopted at its tenth emergency special session,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1402 (2002) of 30 March 2002, 1403 (2002) of 4 April 2002, 1405 (2002) of 19 April 2002 and 1435 (2002) of 24 September 2002,

Reiterating its grave concern at the tragic and violent events that have taken place since September 2000 which have caused enormous suffering and many innocent victims throughout the Occupied Palestinian Territory, including East Jerusalem, and in Israel,

Condemning the suicide bombings and their recent intensification, and recalling in that regard that in the framework of the road map,¹ the Palestinian Authority has to take all necessary measures to end violence and terror,

Deploring the extrajudicial killings and their recent escalation, and underlining that they are a violation of international law and international humanitarian law and compromise the efforts to relaunch the peace process and must be stopped,

Reaffirming the illegality of the deportation of any Palestinian by Israel, the occupying Power, and affirming its opposition to any such deportation,

Reiterating the need for respect, in all circumstances, of international humanitarian law, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,²

1. *Reiterates its demand* for the complete cessation of all acts of violence, including all acts of terrorism, provocation, incitement and destruction;

¹ S/2003/529, annex.

² United Nations, *Treaty Series*, vol. 75, No. 973.

2. *Demands* that Israel, the occupying Power, desist from any act of deportation and cease any threat to the safety of the elected President of the Palestinian Authority;

3. *Expresses its full support* for the efforts of the Quartet, and demands that the two sides fully implement their obligations in accordance with the road map,¹ and emphasizes in this context the importance of the forthcoming meeting of the Quartet in New York;

4. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the current President of the General Assembly to resume its meeting upon request from Member States.

*20th plenary meeting
19 September 2003*



General Assembly

Distr.: General
27 October 2003

Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/ES-10/L.15)]

ES-10/13. Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Recalling its relevant resolutions, including resolutions of the tenth emergency special session,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 267 (1969) of 3 July 1969, 298 (1971) of 25 September 1971, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 904 (1994) of 18 March 1994, 1073 (1996) of 28 September 1996 and 1397 (2002) of 12 March 2002,

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

Reaffirming also its vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders,

Condemning all acts of violence, terrorism and destruction,

Condemning in particular the suicide bombings and their recent intensification with the attack in Haifa,

Condemning the bomb attack in the Gaza Strip, which resulted in the death of three American security officers,

Deploring the extrajudicial killings and their recent intensification, in particular the attack on 20 October 2003 in Gaza,

Stressing the urgency of ending the current violent situation on the ground, the need to end the occupation that began in 1967, and the need to achieve peace based on the vision of two States mentioned above,

Particularly concerned that the route marked out for the wall under construction by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, could prejudice future negotiations and make the two-State solution physically impossible to implement and would cause further humanitarian hardship to the Palestinians,

Reiterating its call upon Israel, the occupying Power, to fully and effectively respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,¹

Reiterating its opposition to settlement activities in the Occupied Territories and to any activities involving the confiscation of land, disruption of the livelihood of protected persons and the de facto annexation of land,

1. *Demands* that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law;

2. *Calls upon* both parties to fulfil their obligations under relevant provisions of the road map,² the Palestinian Authority to undertake visible efforts on the ground to arrest, disrupt and restrain individuals and groups conducting and planning violent attacks, and the Government of Israel to take no actions undermining trust, including deportations and attacks on civilians and extrajudicial killings;

3. *Requests* the Secretary-General to report on compliance with the present resolution periodically, with the first report on compliance with paragraph 1 above to be submitted within one month and upon receipt of which further actions should be considered, if necessary, within the United Nations system;

4. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the current President of the General Assembly to resume its meeting upon request from Member States.

*22nd plenary meeting
21 October 2003*

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

² S/2003/529, annex.



General Assembly

Distr.: General
12 December 2003

Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/ES-10/L.16)]

ES-10/14. Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Reaffirming its resolution ES-10/13 of 21 October 2003,

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

Aware of the established principle of international law on the inadmissibility of the acquisition of territory by force,

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

Recalling relevant General Assembly resolutions, including resolution 181 (II) of 29 November 1947, which partitioned mandated Palestine into two States, one Arab and one Jewish,

Recalling also the resolutions of the tenth emergency special session of the General Assembly,

Recalling further relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 267 (1969) of 3 July 1969, 298 (1971) of 25 September 1971, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 904 (1994) of 18 March 1994, 1073 (1996) of 28 September 1996, 1397 (2002) of 12 March 2002 and 1515 (2003) of 19 November 2003,

Reaffirming the applicability of the Fourth Geneva Convention¹ as well as Additional Protocol I to the Geneva Conventions² to the Occupied Palestinian Territory, including East Jerusalem,

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

² *Ibid.*, vol 1125, No. 17512.

Recalling the Regulations annexed to the Hague Convention Respecting the Laws and Customs of War on Land of 1907,³

Welcoming the convening of the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, at Geneva on 15 July 1999,

Expressing its support for the declaration adopted by the reconvened Conference of High Contracting Parties to the Fourth Geneva Convention at Geneva on 5 December 2001,

Recalling in particular relevant United Nations resolutions affirming that Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, are illegal and an obstacle to peace and to economic and social development as well as those demanding the complete cessation of settlement activities,

Recalling relevant United Nations resolutions affirming that actions taken by Israel, the occupying Power, to change the status and demographic composition of Occupied East Jerusalem have no legal validity and are null and void,

Noting the agreements reached between the Government of Israel and the Palestine Liberation Organization in the context of the Middle East peace process,

Gravely concerned at the commencement and continuation of construction by Israel, the occupying Power, of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure from the Armistice Line of 1949 (Green Line) and which has involved the confiscation and destruction of Palestinian land and resources, the disruption of the lives of thousands of protected civilians and the de facto annexation of large areas of territory, and underlining the unanimous opposition by the international community to the construction of that wall,

Gravely concerned also at the even more devastating impact of the projected parts of the wall on the Palestinian civilian population and on the prospects for solving the Palestinian-Israeli conflict and establishing peace in the region,

Welcoming the report of 8 September 2003 of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,⁴ in particular the section regarding the wall,

Affirming the necessity of ending the conflict on the basis of the two-State solution of Israel and Palestine living side by side in peace and security based on the Armistice Line of 1949, in accordance with relevant Security Council and General Assembly resolutions,

Having received with appreciation the report of the Secretary-General, submitted in accordance with resolution ES-10/13,⁵

³ See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

⁴ E/CN.4/2004/6.

⁵ A/ES-10/248.

Bearing in mind that the passage of time further compounds the difficulties on the ground, as Israel, the occupying Power, continues to refuse to comply with international law vis-à-vis its construction of the above-mentioned wall, with all its detrimental implications and consequences,

Decides, in accordance with Article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, to urgently render an advisory opinion on the following question:

What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?

*23rd plenary meeting
8 December 2003*



General Assembly

Distr.: General
2 August 2004

Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/ES-10/L.18/Rev.1)]

ES-10/15. Advisory opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem*

The General Assembly,

Guided by the principles enshrined in the Charter of the United Nations,

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

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

Reaffirming the illegality of any territorial acquisition resulting from the threat or use of force,

Recalling the Regulations annexed to the Hague Convention Respecting the Laws and Customs of War on Land of 1907,¹

Recalling also the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,² and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions,³

Recalling further the International Covenant on Civil and Political Rights,⁴ the International Covenant on Economic, Social and Cultural Rights⁴ and the Convention on the Rights of the Child,⁵

¹ See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

² United Nations, *Treaty Series*, vol. 75, No. 973.

³ *Ibid.*, vol. 1125, No. 17512.

⁴ See resolution 2200 A (XXI), annex.

⁵ Resolution 44/25, annex.

Reaffirming the permanent responsibility of the United Nations towards the question of Palestine until it is resolved in all aspects in a satisfactory manner on the basis of international legitimacy,

Recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 904 (1994) of 18 March 1994, 1073 (1996) of 28 September 1996, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003 and 1544 (2004) of 19 May 2004,

Recalling also the resolutions of its tenth emergency special session on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,

Reaffirming the most recent resolution of the fifty-eighth session of the General Assembly on the status of the Occupied Palestinian Territory, including East Jerusalem, resolution 58/292 of 6 May 2004,

Reaffirming also the right of the Palestinian people to self-determination, including their right to their independent State of Palestine,

Reaffirming further the commitment to the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders,

Condemning all acts of violence, terrorism and destruction,

Calling upon both parties to fulfil their obligations under relevant provisions of the road map,⁶ the Palestinian Authority to undertake visible efforts on the ground to arrest, disrupt and restrain individuals and groups conducting and planning violent attacks, and the Government of Israel to take no actions undermining trust, including deportations and attacks on civilians and extrajudicial killings,

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

Recalling its resolution ES-10/13 of 21 October 2003, in which it demanded that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem,

Recalling also its resolution ES-10/14 of 8 December 2003, in which it requested the International Court of Justice to urgently render an advisory opinion on the following question:

“What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention, of 1949, and relevant Security Council and General Assembly resolutions?”

⁶ S/2003/529, annex.

*Having received with respect the advisory opinion of the Court on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, rendered on 9 July 2004,⁷*

Noting in particular that the Court replied to the question put forth by the General Assembly in resolution ES-10/14 as follows:⁸

- “A. The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law;
- “B. Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion;
- “C. Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem;
- “D. All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention;
- “E. The United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated regime, taking due account of the present Advisory Opinion.”,

Noting that the Court concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,⁹

Noting also the statement made by the Court that “Israel and Palestine are under an obligation scrupulously to observe the rules of international humanitarian law, one of the paramount purposes of which is to protect civilian life”,¹⁰ and that “in the Court’s view, this tragic situation can be brought to an end only through implementation in good faith of all relevant Security Council resolutions, in particular resolutions 242 (1967) and 338 (1973)”,¹⁰

Considering that respect for the Court and its functions is essential to the rule of law and reason in international affairs,

⁷ See A/ES-10/273 and Corr.1.

⁸ *Ibid.*, para. 163.

⁹ *Ibid.*, para. 120.

¹⁰ *Ibid.*, para. 162.

1. *Acknowledges* the advisory opinion of the International Court of Justice of 9 July 2004 on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,⁷ including in and around East Jerusalem;
2. *Demands* that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion;
3. *Calls upon* all States Members of the United Nations to comply with their legal obligations as mentioned in the advisory opinion;
4. *Requests* the Secretary-General to establish a register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion;
5. *Decides* to reconvene to assess the implementation of the present resolution, with the aim of ending the illegal situation resulting from the construction of the wall and its associated regime in the Occupied Palestinian Territory, including East Jerusalem;
6. *Calls upon* both the Government of Israel and the Palestinian Authority to immediately implement their obligations under the road map,⁶ in cooperation with the Quartet, as endorsed by Security Council resolution 1515 (2003), to achieve the vision of two States living side by side in peace and security, and emphasizes that both Israel and the Palestinian Authority are under an obligation scrupulously to observe the rules of international humanitarian law;
7. *Calls upon* all States parties to the Fourth Geneva Convention² to ensure respect by Israel for the Convention, and invites Switzerland, in its capacity as the depositary of the Geneva Conventions,¹¹ to conduct consultations and to report to the General Assembly on the matter, including with regard to the possibility of resuming the Conference of High Contracting Parties to the Fourth Geneva Convention;
8. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.

*27th plenary meeting
20 July 2004*

¹¹ United Nations, *Treaty Series*, vol. 75, Nos. 970–973.



General Assembly

Distr.: General
4 April 2007

Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/ES-10/L.19 and Add.1)*]

ES-10/16. Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Recalling its relevant resolutions, including resolutions of the tenth emergency special session,

Reaffirming Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 1322 (2000) of 7 October 2000, 1397 (2002) of 12 March 2002, 1402 (2002) of 30 March 2002, 1403 (2002) of 4 April 2002, 1405 (2002) of 19 April 2002, 1435 (2002) of 24 September 2002, 1515 (2003) of 19 November 2003 and 1544 (2004) of 19 May 2004,

Reaffirming also the applicability of the rules and principles of international law, including humanitarian and human rights laws, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ to the Occupied Palestinian Territory, including East Jerusalem,

Expressing grave concern at the continued deterioration of the situation on the ground in the Palestinian Territory occupied by Israel since 1967 during the recent period, particularly as a result of the use of force by Israel, the occupying Power, which has caused extensive loss of civilian Palestinian life and injuries, including among children and women,

Deeply deploring the military actions being carried out by Israel, the occupying Power, in the Gaza Strip, which have caused loss of life and extensive destruction of Palestinian property and vital infrastructure,

Deeply deploring also the killing of many Palestinian civilians, including children and women, by Israel, the occupying Power, that took place in Beit Hanoun on 8 November 2006,

* Reissued for technical reasons.

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

Deeply deploring further the firing of rockets from Gaza into Israel,

Emphasizing the importance of the safety and well-being of all civilians and condemning all attacks against civilians on both sides, and stressing that the parties must respect their obligations, including by putting an end to violence,

1. *Calls upon* Israel, the occupying Power, to immediately cease its military operations that endanger the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, and to immediately withdraw its forces from within the Gaza Strip to positions held prior to 28 June 2006;

2. *Calls for* the immediate cessation of military operations and all acts of violence, terror, provocation, incitement and destruction between the Israeli and Palestinian sides, including extrajudicial executions, bombardment against civilian areas, air raids and the firing of rockets, as was agreed in the Sharm el-Sheikh understandings of 8 February 2005;

3. *Requests* the Secretary-General to establish a fact-finding mission on the attack that took place in Beit Hanoun on 8 November 2006 and to report thereon to the General Assembly within thirty days;

4. *Calls upon* Israel, the occupying Power, to scrupulously abide by its obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ in the Occupied Palestinian Territory, including East Jerusalem;

5. *Calls upon* the Palestinian Authority to take immediate and sustained action to bring an end to violence, including the firing of rockets on Israeli territory;

6. *Emphasizes* the need to preserve Palestinian institutions, infrastructure and properties;

7. *Expresses grave concern* about the dire humanitarian situation of the Palestinian people, and calls for the continued provision of emergency assistance to them;

8. *Emphasizes* the urgency of ensuring that medical and humanitarian organizations are granted unhindered access to the Palestinian civilian population at all times and of allowing the severely injured a speedy exit outside the Occupied Palestinian Territory for needed treatment, and emphasizes also the importance of the implementation of the Agreement of Movement and Access of November 2005;

9. *Calls upon* the Quartet, together with the international community, to take immediate steps to stabilize the situation and restart the peace process, including through the possible establishment of an international mechanism for the protection of civilian populations;

10. *Calls upon* the parties, with the support of the international community, to take immediate steps, including confidence-building measures, aimed at the early resumption of direct peace negotiations towards the conclusion of a final peaceful settlement;

11. *Stresses* the importance of and the need to achieve a just, comprehensive, and lasting peace in the Middle East, based on all relevant Security Council resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), the Madrid terms of reference, the principle of land for peace, the Arab Peace Initiative adopted by the League of Arab States at its fourteenth session, held in Beirut on 27 and 28 March 2002,² and the road map;³

12. *Requests* the Secretary-General to report to the General Assembly on the implementation of the present resolution in a timely manner;

13. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.

*29th plenary meeting
17 November 2006*

² A/56/1026-S/2002/932, annex II, resolution 14/221.

³ S/2003/529, annex.



General Assembly

Distr.: General
24 January 2007

Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/ES-10/L.20/Rev.1)]

ES-10/17. Establishment of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory

The General Assembly,

Guided by the principles enshrined in the Charter of the United Nations and the rules and principles of international law, including international humanitarian law and human rights law,

Reaffirming the permanent responsibility of the United Nations towards the question of Palestine until it is resolved in all its aspects in a satisfactory manner on the basis of international legitimacy,

Recalling the relevant resolutions of the Security Council,

Recalling also its relevant resolutions, including the resolutions of its tenth emergency special session on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,¹ and recalling in particular the Court's reply to the question put forth by the General Assembly in resolution ES-10/14 of 8 December 2003, as set forth in the *dispositif* of the advisory opinion,²

Recalling in this regard the Court's conclusion that, inter alia, "Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem",

Reaffirming its resolution ES-10/15 of 20 July 2004 entitled "Advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem",

¹ See A/ES-10/273 and Corr.1.

² *Ibid.*, para. 163.

Recalling the request made in resolution ES-10/15 for the Secretary-General to establish a register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion,

Noting in this connection the Court's conclusion whereby, inter alia:

Israel is accordingly under an obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the wall in the Occupied Palestinian Territory. In the event that such restitution should prove to be materially impossible, Israel has an obligation to compensate the persons in question for the damage suffered. The Court considers that Israel also has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result of the wall's construction,³

Deploing the continuing construction, contrary to international law, by Israel, the occupying Power, of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, against the conclusions of the International Court of Justice in its advisory opinion of 9 July 2004 and resolution ES-10/15 and in breach of the applicable rules and principles of international law,

Recognizing the necessity of accurately documenting the damage caused by the construction of the wall for the purpose of fulfilling the obligation to make the above-mentioned reparations, including restitution and compensation, in accordance with the rules and principles of international law, and noting that the act of registration of damage, as such, does not entail, at this stage, an evaluation or assessment of the loss or damage caused by the construction of the wall,

Taking note with appreciation of the report of the Secretary-General of 17 October 2006 pursuant to resolution ES-10/15,⁴

1. *Reaffirms* its resolution ES-10/15 entitled "Advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem", and reiterates the demands made therein, inter alia, the demand that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion;

2. *Takes note with appreciation* of the report of the Secretary-General submitted pursuant to resolution ES-10/15;⁴

3. *Establishes* the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory:

(a) To serve as a record, in documentary form, of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem;

(b) To be referred to henceforth in brief as the "Register of Damage";

³ Ibid., para. 153.

⁴ A/ES-10/361.

4. *Decides* to set up an office of the Register of Damage, which will be:
 - (a) Responsible for the establishment and comprehensive maintenance of the Register of Damage;
 - (b) Composed of a three-member Board and a small secretariat, headed by an Executive Director and consisting of substantive, administrative and technical support staff;
 - (c) A subsidiary organ of the General Assembly operating under the administrative authority of the Secretary-General;
 - (d) Established at the site of the United Nations Office at Vienna;
5. *Requests* the Secretary-General to appoint the three-member Board of the Office of the Register of Damage, according to the selection criteria in the above-mentioned report, at the earliest practicable date;
6. *Decides* that the responsibilities assumed by the Board of the Office of the Register of Damage shall be as follows:
 - (a) The Board shall have overall responsibility for the establishment and maintenance of the Register of Damage;
 - (b) The Board shall establish the rules and regulations governing the work of the Office of the Register of Damage;
 - (c) The Board shall determine the eligibility criteria, bearing in mind varying circumstances with regard to the title and residency status of the claimants, for the inclusion of damages and losses caused in the Register of Damage with an established causal link to the construction of the wall;
 - (d) The Board shall, guided by the relevant findings of the advisory opinion, general principles of international law and principles of due process of law, also determine the criteria of damage and the procedure for the collection and registration of damage claims;
 - (e) The Board, on the recommendation of the Executive Director, shall have the ultimate authority in determining the inclusion of damage claims in the Register of Damage;
 - (f) The Board shall meet at least four times each year at the Office of the Register of Damage to determine which claims should be included in the Register of Damage, based on the established objective criteria defined in the rules and regulations;
 - (g) The Board shall engage, periodically and as deemed necessary, the expertise of technical specialists in relevant fields, inter alia, agriculture, land law, topography and assessment and compensation, to assist it in establishing and maintaining the Register of Damage;
 - (h) The Board shall render progress reports periodically to the Secretary-General for transmission to the General Assembly, including, as appropriate, possible further steps in connection with paragraphs 152 and 153 of the advisory opinion;
7. *Requests* the Secretary-General to appoint, at the earliest practicable date, the Executive Director of the Office of the Register of Damage, who shall:
 - (a) Have responsibility for overseeing and administrating the work of the secretariat of the Office of the Register of Damage;

(b) Be responsible for forwarding all damage claims to the Board for its approval for inclusion in the Register of Damage and serve in an advisory capacity to the Board in this regard;

8. *Decides* that the secretariat of the Office of the Register of Damage shall provide substantive, technical and administrative support for the establishment and maintenance of the Register of Damage by undertaking, inter alia, the following functions:

(a) Designing the format of the damage claims;

(b) Administering a public awareness programme to inform the Palestinian public about the possibility of and the requirements for filing a damage claim for registration, including an extensive community outreach programme to explain the purpose of the Register of Damage and provide guidance on how to fill out and submit the claim forms;

(c) Receiving and processing all damage claims and establishing the credibility of the causal link of those claims to the construction of the wall for registration in the Register of Damage;

(d) Submitting all processed damage claims through the Executive Director to the Board for inclusion in the Register of Damage;

(e) Aggregating and maintaining the records of damage claims approved by the Board, including both hard copies of the claims and their electronic version, which shall be maintained at the Office of the Register of Damage;

(f) Providing legal advice regarding the operations of the Office of the Register of Damage and the submitted claims;

9. *Resolves* that the Register of Damage shall remain open for registration for the duration of existence of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem;

10. *Resolves also* that the Office of the Register of Damage shall remain active for the duration of the process of registration and shall carry out the specific functions and directives ascribed to it by the Secretary-General in his report, as set out in the present resolution, and such additional functions as requested by the General Assembly upon recommendation by the Secretary-General;

11. *Calls for* the establishment and operation of the Office of the Register of Damage and the establishment of the Register of Damage itself within six months of the adoption of the present resolution and the immediate undertaking thereafter of the process of registration of damage claims;

12. *Instructs* the Office of the Register of Damage, immediately upon its establishment, to seek the cooperation of the concerned Governments and authorities so as to facilitate its work in connection with the collection, submission and processing of damage claims in the Occupied Palestinian Territory, including East Jerusalem;

13. *Calls upon* the Government of Israel and the Palestinian Authority and relevant Palestinian institutions to cooperate with the Office of the Register of Damage;

14. *Calls upon* the Secretary-General to instruct the United Nations agencies and offices present on the ground in the Occupied Palestinian Territory to lend their

support and expertise to the Office of the Register of Damage, upon its request, so as to facilitate its work;

15. *Requests* the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required to carry out the terms of the present resolution;

16. *Also requests* the Secretary-General to report to the General Assembly within six months on the progress made with regard to the establishment and operation of the Office of the Register of Damage and the establishment of the Register of Damage;

17. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume the meeting of the special session upon request from Member States.

*31st plenary meeting
15 December 2006*



General Assembly

Distr.: General
23 January 2009

Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/ES-10/L.21/Rev.1)]

ES-10/18. General Assembly resolution supporting the immediate ceasefire according to Security Council resolution 1860 (2009)

The General Assembly,

Reaffirming the permanent responsibility of the United Nations with regard to the question of Palestine until it is solved in all its aspects, in accordance with international law,

Recalling the relevant rules and principles of international law, including international humanitarian and human rights law, particularly the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,¹ which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

Expressing grave concern about the developments on the ground since the adoption of Security Council resolution 1860 (2009) on 8 January 2009, especially following the intensified military operations in the Gaza Strip, causing heavy casualties among civilians, including children and women, and the shelling of United Nations headquarters, hospitals, media premises and public infrastructure, and emphasizing that the Palestinian and Israeli civilian populations must be protected and that their suffering must end,

Convinced that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive, just and lasting peace and stability in the Middle East,

1. *Demands* full respect for Security Council resolution 1860 (2009), including its urgent call for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from the Gaza Strip, and its call for the unimpeded provision and distribution throughout the Gaza Strip of humanitarian assistance, including food, fuel and medical treatment;

2. *Calls upon* all parties to exert all efforts to ensure, in cooperation with the Security Council, full and urgent compliance with resolution 1860 (2009);

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

3. *Expresses its support* for international and regional initiatives and efforts under way and for the mission undertaken by the Secretary-General of the United Nations;

4. *Expresses its support* for the extraordinary efforts by the United Nations agencies, particularly the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to provide emergency relief, medical and other humanitarian assistance to the Palestinian civilian population in the Gaza Strip;

5. *Calls upon* all Member States to urgently extend the necessary support to international and regional efforts aimed at alleviating the critical humanitarian and economic situation in the Gaza Strip, and emphasizes in this regard the need to ensure the sustained opening of border crossings for the free movement of persons and goods into and out of the Gaza Strip, in accordance with the Agreement on Movement and Access of 15 November 2005;

6. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.

*36th plenary meeting
16 January 2009*



Tenth emergency special session
Agenda item 5**Resolution adopted by the General Assembly
on 21 December 2017**

[without reference to a Main Committee ([A/ES-10/L.22](#) and [A/ES-10/L.22/Add.1](#))]

ES-10/19. Status of Jerusalem

The General Assembly,

Reaffirming its relevant resolutions, including resolution [72/15](#) of 30 November 2017 on Jerusalem,

Reaffirming also the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 298 (1971) of 25 September 1971, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and [2334 \(2016\)](#) of 23 December 2016,

Guided by the purposes and principles of the Charter of the United Nations, and reaffirming, inter alia, the inadmissibility of the acquisition of territory by force,

Bearing in mind the specific status of the Holy City of Jerusalem and, in particular, the need for the protection and preservation of the unique spiritual, religious and cultural dimensions of the city, as foreseen in relevant United Nations resolutions,

Stressing that Jerusalem is a final status issue to be resolved through negotiations in line with relevant United Nations resolutions,

Expressing, in this regard, its deep regret at recent decisions concerning the status of Jerusalem,

1. *Affirms* that any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem have no legal effect, are null and void and must be rescinded in compliance with relevant resolutions of the Security Council, and in this regard calls upon all States to refrain from the establishment of diplomatic missions in the Holy City of Jerusalem, pursuant to Council resolution 478 (1980);



2. *Demands* that all States comply with Security Council resolutions regarding the Holy City of Jerusalem, and not recognize any actions or measures contrary to those resolutions;

3. *Reiterates its call for* the reversal of the negative trends on the ground that are imperilling the two-State solution and for the intensification and acceleration of international and regional efforts and support aimed at achieving, without delay, a comprehensive, just and lasting peace in the Middle East on the basis of the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative¹ and the Quartet road map,² and an end to the Israeli occupation that began in 1967;

4. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.

*37th plenary meeting
21 December 2017*

¹ A/56/1026-S/2002/932, annex II, resolution 14/221.

² S/2003/529, annex.



Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly on 13 June 2018

[without reference to a Main Committee ([A/ES-10/L.23](#) and [A/ES-10/L.23/Add.1](#))]

ES-10/20. Protection of the Palestinian civilian population

The General Assembly,

Recalling its relevant resolutions regarding the question of Palestine,

Recalling also its relevant resolutions on the protection of civilians, including resolution [71/144](#) of 13 December 2016 on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, resolution [72/131](#) of 11 December 2017 on the safety and security of humanitarian personnel and protection of United Nations personnel and resolution [72/175](#) of 19 December 2017 on the safety of journalists and the issue of impunity,

Recalling further the relevant reports of the Secretary-General, including the most recent report, of 14 May 2018, on the protection of civilians in armed conflict,¹

Recalling all relevant resolutions of the Security Council, including, inter alia, resolutions [242 \(1967\)](#) of 22 November 1967, [338 \(1973\)](#) of 22 October 1973, [605 \(1987\)](#) of 22 December 1987, [904 \(1994\)](#) of 18 March 1994, [1397 \(2002\)](#) of 12 March 2002, [1515 \(2003\)](#) of 19 November 2003, [1544 \(2004\)](#) of 19 May 2004, [1850 \(2008\)](#) of 16 December 2008, [1860 \(2009\)](#) of 8 January 2009 and [2334 \(2016\)](#) of 23 December 2016,

Recalling also the statement by the President of the Security Council of 28 July 2014,²

Bearing in mind the letter dated 21 October 2015 from the Secretary-General addressed to the President of the Security Council,³

¹ [S/2018/462](#).

² [S/PRST/2014/13](#); see *Resolutions and Decisions of the Security Council, 1 August 2013–31 July 2014 (S/INF/69)*.

³ [S/2015/809](#).



Recalling Security Council resolutions on the protection of civilians in armed conflict, including resolutions on children and armed conflict, including, inter alia, resolutions 1894 (2009) of 11 November 2009 and 2225 (2015) of 18 June 2015, as well as relevant statements by its President, and resolutions on the protection of medical and humanitarian personnel and on the protection of journalists, media professionals and associated personnel in armed conflicts, including, inter alia, resolutions 2222 (2015) of 27 May 2015 and 2286 (2016) of 3 May 2016, as well as other relevant resolutions and statements by its President,

Reaffirming the obligation to respect and ensure respect for international humanitarian law in all circumstances in accordance with article 1 of the Geneva Conventions of 12 August 1949,⁴

Expressing its grave concern at the escalation of violence and tensions and the deterioration of the situation in the Occupied Palestinian Territory, including East Jerusalem, in particular since 30 March 2018, and its deep alarm at the loss of civilian lives and the high number of casualties among Palestinian civilians, particularly in the Gaza Strip, including casualties among children, caused by the Israeli forces,

Condemning all acts of violence against civilians, including acts of terror, as well as all acts of provocation, incitement and destruction,

Reaffirming the right to peaceful assembly and protest, and freedom of expression and of association,

Emphasizing the need to pursue measures of accountability, and stressing in this regard the importance of ensuring independent and transparent investigations in accordance with international standards,

Alarmed at the exacerbation of the dire humanitarian crisis in the Gaza Strip, and stressing the need to achieve a sustainable solution to this crisis in line with international law,

Stressing the particular impact that armed conflict has on women and children, including as refugees and displaced persons, as well as on other civilians who may have specific vulnerabilities, including persons with disabilities and older persons, and stressing the need for the Security Council and Member States to strengthen further the protection of civilians,

Recalling that a lasting solution to the Israeli-Palestinian conflict can only be achieved by peaceful means in accordance with international law and the relevant United Nations resolutions and through credible and direct negotiations,

Stressing that the Gaza Strip constitutes an integral part of the Palestinian territory occupied in 1967,

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

1. *Calls for* full respect by all parties for international human rights law and international humanitarian law, including in regard to the protection of the civilian population, and reiterates the need to take appropriate steps to ensure the safety and well-being of civilians and ensure their protection, as well as to ensure accountability for all violations;

2. *Deploras* the use of any excessive, disproportionate and indiscriminate force by the Israeli forces against Palestinian civilians in the Occupied Palestinian Territory, including East Jerusalem, and particularly in the Gaza Strip, including the

⁴ United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

use of live ammunition against civilian protesters, including children, as well as medical personnel and journalists, and expresses its grave concern at the loss of innocent lives;

3. *Demands* that Israel, the occupying Power, refrain from such actions and fully abide by its legal obligations and responsibilities under the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;⁵

4. *Deplores* any actions that could provoke violence and endanger civilian lives, and calls upon all actors to ensure that protests remain peaceful;

5. *Also deplores* the firing of rockets from the Gaza Strip against Israeli civilian areas;

6. *Calls for* urgent steps to ensure an immediate, durable and fully respected ceasefire;

7. *Also calls for* the exercise of maximum restraint and calm by all parties, and stresses the need for immediate and significant steps to stabilize the situation and to reverse negative trends on the ground;

8. *Stresses* the need to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed, including through the consideration of appropriate measures that may be taken in accordance with the Charter of the United Nations;

9. *Calls for* the consideration of measures to guarantee the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including in the Gaza Strip;

10. *Also calls for* immediate steps towards ending the closure and the restrictions imposed by Israel on movement and access into and out of the Gaza Strip, including through the sustained opening of the crossing points of the Gaza Strip for the flow of humanitarian aid, commercial goods and persons in accordance with international law, including as it pertains to legitimate security requirements;

11. *Demands* that all parties cooperate with medical and humanitarian personnel to allow and facilitate unimpeded access to the civilian population, and calls for the cessation of all forms of violence and intimidation directed against medical and humanitarian personnel;

12. *Urges* the provision of immediate and unimpeded humanitarian assistance to the Palestinian civilian population in the Gaza Strip, bearing in mind critical medical, food, water and fuel needs, and urges increased support to the United Nations Relief and Works Agency for Palestine Refugees in the Near East, recognizing the vital role of the Agency, alongside other United Nations agencies and humanitarian organizations, in providing humanitarian and emergency assistance, notably in the Gaza Strip;

13. *Encourages* tangible steps towards intra-Palestinian reconciliation, including in support of the mediation efforts of Egypt, and concrete steps to reunite the Gaza Strip and the West Bank under the legitimate Palestinian Government and ensure its effective functioning in the Gaza Strip;

14. *Welcomes and urges* further engagement by the Secretary-General and the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority to assist, in cooperation with concerned partners, in the

⁵ Ibid., No. 973.

efforts to immediately de-escalate the situation and address urgent infrastructure, humanitarian and economic development needs, including through the implementation of projects endorsed by the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians;

15. *Requests* the Secretary-General to examine the present situation and to submit a written report, as soon as possible, but not later than 60 days from the adoption of the present resolution, containing, inter alia, his proposals on ways and means for ensuring the safety, protection and well-being of the Palestinian civilian population under Israeli occupation, including, inter alia, recommendations regarding an international protection mechanism;

16. *Calls for* renewed and urgent efforts to create the conditions necessary to launch credible negotiations on all final status issues to achieve, without delay, an end to the Israeli occupation that began in 1967 and a comprehensive, just and lasting comprehensive peace based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace with secure and recognized borders, on the basis of the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative⁶ and the Quartet road map,⁷ as called for in Security Council resolution 2334 (2016) and other relevant resolutions;

17. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.

*38th plenary meeting
13 June 2018*

⁶ A/56/1026-S/2002/932, annex II, resolution 14/221.

⁷ S/2003/529, annex.



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GENERAL ASSEMBLY
Tenth emergency special session
Agenda item 5
ILLEGAL ISRAELI ACTIONS IN
OCCUPIED EAST JERUSALEM AND
THE REST OF THE OCCUPIED
PALESTINIAN TERRITORY

SECURITY COUNCIL
Fifty-second year

Report of the Secretary-General submitted in accordance
with General Assembly resolution ES-10/2

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I. INTRODUCTION

1. The present report is submitted pursuant to resolution ES-10/2 adopted on 25 April 1997 by the General Assembly at its tenth emergency special session. Operative paragraph 9 of the resolution reads as follows:

"9. Requests the Secretary-General to monitor the situation and to submit a report on the implementation of the present resolution, within two months of its adoption, in particular on the cessation of the construction of the new settlement in Jebel Abu Ghneim and of all other illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory."

II. CONSULTATIONS WITH ISRAEL AND THE PALESTINIAN AUTHORITY

2. In order to comply with the above request, it was my intention to dispatch a Special Envoy to the area. Accordingly, I instructed the Under-Secretary-General for Political Affairs to contact the Permanent Mission of Israel to discuss the scope of such a mission.

3. In the course of consultations held in early May, the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations and the Under-Secretary-General for Political Affairs discussed steps that might be taken pursuant to resolution ES-10/2. In a letter dated 6 May 1997, the representative of Israel informed me that he had communicated to the Under-Secretary-General Israel's concerns over some of the proposals that his Government found problematic. Those concerns involved the sending of a United Nations representative to the region or the enlistment of United Nations personnel already in the area to assist in the preparation of my report, and the sending of communications to Member States to request reports on the implementation of operative paragraphs 7 and 8 of resolution ES-10/2. At the request of the representative of Israel, and in the light of those concerns, further consultations were held.

4. In a letter dated 8 May 1997 the Under-Secretary-General for Political Affairs informed the Chargé d'affaires a.i. of Israel of my intention to nominate an Envoy to visit the area in question. The Envoy would undertake the monitoring called for in the resolution and report his findings to me. In early June 1997, I met Mr. Yasser Arafat, President of the Palestinian Authority, in Harare on the occasion of the summit of the Organization of African Unity. He expressed support for my proposal to send a Special Envoy to Israel and the occupied territories.

5. On 14 May 1997, I addressed a note verbale to all Member States requesting them to submit by 12 June 1997 any information relevant to the implementation of that resolution. A request for information was also addressed to the Permanent Observer of Palestine to the United Nations.

6. Throughout May and into the first half of June, further consultations were held between the Chargé d'affaires a.i. of Israel and the Under-Secretary-

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General for Political Affairs to discuss the terms of reference of the proposed mission. In the course of those consultations the representative of Israel reiterated that a visit should be based on his Government's invitation and not be associated with the General Assembly resolution. While visiting the area, the representative's interlocutors would be exclusively the Government of Israel and the Palestinian Authority. Any views expressed by others whom the representative met on either side should not be reflected in the report of the Secretary-General. Furthermore, if the visit were to take place, the construction of housing in Har Homa (Jebel Abu Ghneim) should be the only issue to be reflected in the report to the General Assembly. Visits to settlements other than Har Homa (Jebel Abu Ghneim) should not take place.

7. In his letter to me of 2 June 1997, the Chargé d'affaires a.i. of Israel stated that the General Assembly resolution had not requested me to send an Envoy to visit the area. Prior to the adoption of the resolution, such a proposal had been deliberately removed from a draft of it, which indicated to him that the sending of an Envoy was not the will of the General Assembly. He added that even though the resolution had not called for the dispatch of an Envoy, and despite the concerns of Israel that such a step could stir up emotions and hinder the peace process, his Government remained prepared to welcome my representative. His Government also offered to place at my disposal, and at that of my representative, all relevant information.

8. In a letter dated 5 June 1997, I informed the Chargé d'affaires a.i. of Israel of my proposal to dispatch to Israel and the occupied territories the Under-Secretary-General for Political Affairs, Mr. Kieran Prendergast, as my Special Envoy. I indicated that the terms of reference for his visit would be to discuss with the Government of Israel any matter which it chose to raise with him and, based on those discussions as well as on consultations with the Palestinian Authority, to provide me with information that would enable me to prepare the report requested by the General Assembly in its resolution ES-10/2. I also stated that the primary focus of both the mission of my Special Envoy and my report would be the construction of housing in Jebel Abu Ghneim/Har Homa. However, I informed him that my Special Envoy would not decline to discuss other topics, should the Government of Israel or his other interlocutors choose to raise them. Similarly, while his principal interlocutors would be the Government of Israel and the Palestinian Authority, my Special Envoy would be ready to meet other parties should they request to see him.

9. In his reply dated 9 June 1997, the Chargé d'affaires a.i. of Israel confirmed that his Government was, in principle, prepared to welcome a representative of the Secretary-General, but that such a visit should not be associated with the resolution adopted by the General Assembly and should only take place after the terms of reference had been agreed upon. His Government's views with regard to the terms of reference, he said, were as stated in the conversations between myself and the Director-General of the Ministry of Foreign Affairs that took place on 16 May and in conversations he had with me and the Under-Secretary-General for Political Affairs and not those reflected in my letter of 5 June 1997. He added that it would be regrettable if the visit of my representative "were to have a negative effect on the current efforts to renew the peace process, and in particular the negotiations between Israel and the Palestinians".

10. In a letter dated 10 June 1997 to the Chargé d'affaires a.i. of Israel, I noted his position that the visit of my Special Envoy should not be associated with the General Assembly resolution. However, I also noted that from my perspective the main purpose of the visit was to lay the ground for the report requested by the General Assembly. Therefore, I added, the restrictions he wished to impose (see para. 6 above) would constrain a visit by my Special Envoy to the point where he could not adequately carry out the task of assisting me in preparing my report. I expressed my hope that the visit could take place on the basis set out in my letter of 5 June 1997. In order to allow time to complete the report by 25 June 1997, as requested in the resolution, my Special Envoy would need to leave New York not later than 14 June 1997.

11. In a reply dated 13 June 1997, the Chargé d'affaires a.i. of Israel stated that his Government believed that there had been no procedural or substantive justification for the convening of the emergency special session concerning the construction of a residential neighbourhood in Jerusalem. He reiterated that his country categorically rejected the one-sided resolution adopted at that session which he said stood in contradiction to the peace process and its principles. He repeated that the resolution did not require the Secretary-General to send an Envoy to the area, and that such a visit at that juncture could be detrimental to the efforts to renew the peace process and, in particular, the negotiations between Israel and the Palestinians. Notwithstanding the above, Israel had made a genuine effort to facilitate a visit by my representative, "asking only that such a visit should not be associated with the resolution and should only take place after the terms of reference for the visit had been agreed upon". Despite the effort of his Government, he added, it was understood from my letter of 10 June 1997 that I would not be able to send an Envoy on that basis.

12. In a further letter dated 19 June 1997, the Chargé d'affaires a.i. of Israel, in reference to the procedural aspects of the emergency special session of the General Assembly, indicated that: (a) the controversy over the building of a new neighbourhood in Jerusalem could not be considered, by any stretch of the imagination, a "threat to international peace and security"; (b) no determination had been made by the Security Council, during its two sessions on the subject, that the controversy constituted a "threat to international peace and security"; and (c) it should be noted that the procedure for the calling of an emergency special session had not been put into use for 15 years. It was particularly unsuited and discordant within the context of the Middle East peace process, which was based upon principles of bilateral dialogue, negotiation and mutual understanding.

13. With regard to resolution ES-10/2, the Israeli representative argued that:

(a) The peace process remained the only viable avenue for the solution of the problems in the Arab-Israeli conflict. The emergency special session was yet another manifestation of attempts to bypass the agreed-upon process of direct negotiations between the parties and to internationalize the conflict. These attempts had been futile in the past and would only serve to worsen the situation rather than resolve the differences;

(b) The construction at Har Homa did not, in any way, violate the agreements between Israel and the PLO. The project stemmed from the natural needs of a major urban area. The same applied as regards Israel's policy concerning settlements. There was no new policy in this regard - all that was being done was limited to providing for the natural growth of the population;

(c) The resolution singled out and blamed Israel for the difficulties which the peace process faced, while blatantly ignoring the obstacles posed by the Palestinian side to continued negotiations. Israel had fulfilled all of its commitments in accordance with the "note for the record" that was agreed upon at the time of the Hebron accord. The Palestinian side had not only failed in this regard by not amending the Palestinian National Charter, which it was committed to do, but also by refusing to fight terrorism. They had in fact taken steps which directly contradicted these commitments, and openly encouraged and enabled violence and terror;

(d) The General Assembly, in its resolution ES-10/2, had determined that the peace process was based, *inter alia*, on the principles of "land for peace". However, this "principle" was clearly not part of the basis of the process. It was not mentioned in the letter of invitation to the Madrid Conference, was not part of the terms of reference of the process and had not been included in any of the agreements signed within the Middle East peace process. Any attempt to change the agreed basis of the peace process without the consent of all of the parties concerned could have no effect and only served to undermine the process;

(e) The resolution, in referring to the restrictions on movement in the territories, ignored the fact that such measures, which were fully in accordance with the Israeli-Palestinian agreements, had been taken in the wake of ruthless terrorist action by Palestinians, and served to prevent their recurrence;

(f) The resolution rejected terrorism in all of its forms and manifestations. Terrorism brought not only pain and suffering to innocent civilians, but tore apart the very fabric of the peace process. It is imperative that the Palestinians live up to the solemn commitments they have made on many occasions and fight this scourge without reservation;

(g) In this context, Israel wished to draw my attention to the fact that countries such as the Libyan Arab Jamahiriya, the Islamic Republic of Iran and the Syrian Arab Republic still promoted international terrorism as a tool for advancing their agenda. The international community should take all necessary measures to combat this dangerous phenomenon;

(h) Finally, the Israeli letter stressed that the resolution called for measures "to ensure the freedom of religion and conscience of its (Jerusalem's) inhabitants, as well as permanent, free and unhindered access to the Holy Places by the faithful of all religions and nationalities". In fact, such measures had been fully implemented by Israel in Jerusalem, in marked contrast to the situation that prevailed prior to 1967.

14. Owing to the restrictions imposed on the scope of my Special Envoy's proposed mission by the Government of Israel (see para. 6 above), which were not acceptable to the United Nations, I regret that it has not been possible to

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dispatch a Special Envoy to Israel and the occupied territories in conditions that would have enabled me to discharge the mandate entrusted to me by the General Assembly in a fully satisfactory manner. I am therefore basing the substantive portion of this report, which follows, on reliable sources available to the United Nations at Headquarters and in the field.

III. REPORT PREPARED PURSUANT TO PARAGRAPH 9 OF
RESOLUTION ES-10/2

15. According to the information available to the United Nations, the Government of Israel, as of 20 June 1997, has not abandoned its construction of a new Israeli settlement at Jebel Abu Ghneim. Settlement activity, including the expansion of existing settlements, the construction of bypass roads, the confiscation of land adjacent to settlements and related activities in violation of Security Council resolutions on the matter, continued unabated throughout the occupied territories. The Abu Ghneim incident is nevertheless viewed as particularly serious for a number of reasons:

(a) Politically, the commencement of construction of a new Israeli settlement at Jebel Abu Ghneim on 18 March 1997 represents the first move to construct an entirely new settlement on occupied Palestinian lands since a freeze was imposed on such activities by the previous Israeli Government in the context of the peace process. Palestinians point out that such a move prejudices final status negotiations, during which the issue of Jerusalem and borders is to be determined. The settlement is seen as closing the door on what Palestinians unanimously expect to be the future capital of a Palestinian State - East Jerusalem;

(b) Geographically, Abu Ghneim represents the final link in a chain of settlements constructed by Israel around occupied East Jerusalem. Already existing links in the chain include the settlements of French Hill, Ramot, Pisgah Ze'ev, Neve Ya'cov, and Gilo. The closing of this chain is seen as a final step towards the isolation of Jerusalem from the rest of the West Bank and as part of the stated policy of the Government of Israel of fully incorporating occupied East Jerusalem as part of the "unified eternal capital of the State of Israel";

(c) Demographically, the establishment of this settlement would have a significant effect on further advancing the forced alteration of the religious and ethnic composition of occupied East Jerusalem. Projections indicate that the new settlement would result in the transfer of some 50,000 Jewish settlers from Israel into this predominantly Arab area of occupied East Jerusalem, further altering the demographic character of the city;

(d) Economically, the establishment of a settlement on this site is expected to have damaging effects on an already devastated Palestinian economy in the occupied territories. Without reference to the losses suffered by Palestinians, whose land has been acquired for the settlement, the broader Palestinian economy would feel the immediate effects of the resulting separation of the economic hub of East Jerusalem from the towns and agricultural areas of the rest of the West Bank;

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(e) With regard to its effects on the peace process, and the confidence of the Palestinian people in that process, the refusal of the Government of Israel to abandon construction of a new settlement at Jebel Abu Ghneim appears to represent, in the view of the Palestinian people, the largest single negative factor in the breakdown of the peace process and the fomenting of unrest in the occupied territories. Through both words (public statements) and actions (continuing construction activity at Jebel Abu Ghneim) the Israeli Prime Minister, and other representatives of the Government continue to reject the terms of the resolution of the General Assembly requiring a cessation of those activities. Palestinian communities in the Gaza Strip and the West Bank, including Jerusalem, have responded with two months of public demonstrations and protest. Hundreds of Palestinians have been wounded during the clashes with the Israeli military forces, and a number of Palestinian deaths have been reported. Tensions continue to mount.

16. Prime Minister Netanyahu announced a promise to build 3,500 housing units for Palestinians in East Jerusalem at the same time as construction at Jebel Abu Ghneim proceeds. The housing units are not to be built at Jebel Abu Ghneim, but in 10 as yet unspecified neighbourhoods in Arab East Jerusalem. It was also not clarified whether the housing units would be government funded, or if only building permits would be issued. Since 1967, reportedly only 600 housing units for Palestinians have been built by the Government.

17. Israeli settlement expansion activities continued throughout the period under review in numerous locations throughout the occupied West Bank and Gaza Strip, including commencement of new settlements, expansion of existing settlements and construction of roads and other auxiliary sites adjacent to and between settlements. Expansion activities have been recorded in more than 30 existing settlement areas. Settlement road construction was under way at more than 10 sites.

18. Israel was widely reported during this period to have issued plans for the creation of new settler housing units in the West Bank and Gaza Strip. In May 1997 it was reported that 30,000 dunums of Palestinian land in the West Bank were expropriated by Israel in 1997 for the expansion of settlements. Significant portions of land have been seized for these purposes near Hebron, around Jerusalem and in the Jordan Valley. In the Gaza Strip, attempts by settlers to seize additional land adjacent to existing settlements at Gush Katif resulted in violent clashes involving Palestinian civilians, Israeli settlers and Israeli military personnel, resulting in a number of Palestinian injuries and at least one Palestinian death.

19. External support for settlements and their economic infrastructures continued during the period under review, including through private support from foreign companies and individuals. In one highly publicized incident in June of 1997, it was verified that a Days Inn Hotel, a franchise of a hotel company based in the United States of America (Days Inn of America, Inc.), had been opened and was operating in the Gush Katif settlement in the Gaza Strip.

20. The Government of Israel has implemented further measures which alter or purport to alter the character, legal status and demographic composition of Jerusalem. During the period under review, a number of administrative, legal

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and other measures have been adopted by the State of Israel affecting the rights and status of Palestinian Jerusalemites. Among the most serious developments, hundreds of Palestinian Jerusalemites in 1997 received notice from the Israeli authorities that their residency rights had been revoked, and hundreds of Jerusalem identity cards - without which it is impossible to live in and often even to enter Jerusalem - have been confiscated. The loss of such permits results in a loss of rights to housing, health care, school access and freedom of movement into and around Jerusalem. The administrative practices in question apply only to non-Jews, i.e. mainly Palestinian Arabs in Jerusalem. Such decisions have been justified on the grounds of an Israeli determination that these people have "transferred their centre of life outside of Israel", based on periods of time spent outside of their home city, thereby treating Palestinian Jerusalemites as "resident immigrants", subject to discriminatory immigration controls. The practice, which reduces the Arab presence in Jerusalem, now threatens some 60,000 to 80,000 Palestinian Jerusalemites.

21. The Government of the State of Israel has not, as of 20 June 1997, accepted the de jure applicability of the fourth Geneva Convention of 1949 to all territories occupied since 1967. All other High Contracting Parties, as well as the International Committee of the Red Cross, have retained their consensus that the Convention does apply de jure to the occupied territories.

22. The realization of the principle of territorial integrity, as enunciated in the Oslo accords, has been frustrated during the period under review by Israeli restrictions on the movement of persons and goods between so-called A, B, and C areas of the West Bank, between Jerusalem and the rest of the West Bank, between the West Bank and the Gaza Strip, and between the occupied territories and the outside world. Safe passage arrangements have not been established, and arrangements for a Gaza seaport and airport have not been agreed upon. The Israeli policy of general closure, which has been in effect since 30 March 1993, imposes explicit restrictions on the mobility of goods and persons. There are fixed Israeli checkpoints on Palestinian roads, including key transport routes, and a system of differentiated mandatory permits for labourers, business people, medical personnel and patients, students, religious worshippers, and all other categories of Palestinians. Restrictions on entry to Jerusalem block access to the main north-south transportation route in the West Bank, necessitating lengthy and costly detours. This general closure has been aggravated by periodic comprehensive closures entailing the complete denial of such movements during a full 353 calendar days between 30 March 1993 and mid-June 1997. Since 21 March 1997, when a bomb attack in Tel Aviv, apparently carried out by Hamas, killed three Israeli women, such comprehensive closures have been imposed for a total of 24 days. Internal closure days, during which movement is not allowed even inside the West Bank (between A and B areas) totalled 27 days in 1996. Israeli restrictions on the movement of goods and personnel are also imposed on United Nations officials and project materials, resulting in delays and added costs for development projects in the West Bank and Gaza Strip and in serious disruption of the work of humanitarian agencies.

23. A number of further activities deemed to be in violation of international law continued to raise tensions and to jeopardize both the peace process and the rights of Palestinians in the occupied territories. Among these are the continued administrative detention of almost 300 Palestinians in Israeli jails,

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held without charge or trial, of which 10 have been held for more than three years; 20 for between two and three years; and 20 for between one and one and a half years. In all, more than 3,000 Palestinians are said to remain in Israeli prisons. Palestinian detainees in Israeli custody continue to be subjected to torture and other mistreatment under security regulations officially endorsed by the High Court and the Government of Israel, in spite of recent condemnation by the Committee Against Torture. Israeli demolitions of Palestinian homes in Jerusalem and other parts of the occupied territories continued.

24. The 6 March Israeli decision to limit the long-delayed second redeployment to only 9 per cent of the West Bank, with 7 per cent of that a redeployment from area B to area A, rather than from area C to area A, has further aggravated the situation. Further evidence of the deteriorating political and security situation included punitive house demolitions, curfews, transfer of Bedouin population and unlicensed house demolitions.

25. There was also a marked increase in Palestinian violence against Israeli civilians, settlers and military personnel, as well as Palestinian military operations against Palestinian civilians during the reporting period. Two Israeli women hikers, found dead in Wadi Kelt, near Jericho, on 25 April, also appear to have been victims of a terrorist attack, though no Palestinian organization claimed responsibility for the killings. Two bombs detonated in the Gaza Strip on 1 April under unclear circumstances, killing the two suicide bombers and injuring six persons. While not carried out by a Palestinian, the 13 March killing of seven Israeli school girls by a Jordanian soldier stationed in the Jordan Valley contributed to Israeli security concerns.

26. The reporting period witnessed an increase in violent incidents involving settlers, within the overall context of the deteriorating security situation. A number of incidents of settlers attacking Palestinians, often but not always in response to stone-throwing, were reported, as were destruction of property, attacks against livestock and attacks against agricultural land. The majority of the incidents took place in the Hebron area. There also were sporadic incidents of settler violence in the Gaza Strip.

IV. REPLIES FROM MEMBER STATES

27. As of 23 June 1997, replies to my note verbale had been received from the following 11 countries: Australia, Colombia, the Democratic People's Republic of Korea, Egypt, Japan, Jordan, the Netherlands, Norway, the Russian Federation, Saudi Arabia and Tunisia. They are substantially reproduced below.

Australia

[Original: English]

1. The Permanent Representative of Australia notes that Australia abstained on resolution ES-10/2, both because the Government did not consider it would take forward the process of seeking peace in the Middle East and because we did not

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regard use of resolution 377 A (V), the uniting for peace resolution, as appropriate in the circumstances.

2. Australia has made clear its concern about Israel's decision to build on Har Homa/Jebel Abu Ghneim. We regard the decision to be inconsistent with Security Council resolutions on the Middle East and unhelpful because it complicates the process of achieving a peaceful settlement. We have consistently urged both sides to the dispute to avoid actions that jeopardize the peace process.

3. Australia continues to be deeply concerned about the situation in the Middle East and the absence of trust and confidence necessary for successful resumption of the peace negotiations. We again urge both sides urgently to commit themselves to honour the obligations they have made and to the search for a peaceful resolution of their differences.

Colombia

[Original: Spanish]

The Permanent Representative of Colombia informs the Secretary-General that his Government has implemented General Assembly resolution ES-10/2.

Democratic People's Republic of Korea

[Original: English]

1. The Government of the Democratic People's Republic of Korea has officially expressed its denunciation of the attempts on the part of Israel to build new Jewish settlements in East Jerusalem. At the same time, the Minister for Foreign Affairs of the Democratic People's Republic of Korea sent a letter of solidarity to the Council of the League of Arab States in support of its decision on the question of East Jerusalem.

2. I would like to take this opportunity to reiterate my Government's consistent position of support for the struggle of Arab peoples, including the Palestinian people, to ensure lasting peace and security in the Middle East.

Egypt

[Original: English]

1. The construction of Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, is illegal and contravenes international law.

2. Resolution ES-10/2 reflects the continuous refusal and condemnation of the international community of the settlement policy pursued by Israel in the Occupied Palestinian Territory, including Jerusalem, and the other occupied Arab territories. This policy undermines the peace in the Middle East and is in

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clear violation of the relevant rules of international law, the Geneva Convention, as well as the relevant Security Council and General Assembly resolutions on the matter.

3. Egypt favours an active role of the Secretary-General in the follow-up of the said resolution. We believe that, in order to be able to present a comprehensive report on the matter to the General Assembly in accordance with paragraph 9 of the resolution, it will be of paramount importance for a senior United Nations official to pay a visit to the occupied territories, including Jerusalem, to gather all relevant and necessary information on the illegal Israeli settlement activities in these territories, including the settlement project in Jebel Abu Ghneim.

Japan

[Original: English]

The Government of Japan respects resolution ES-10/2 and has endeavoured to revive the Middle East peace process by taking every opportunity to urge the parties concerned to make progress in the peace process. Some of Japan's recent efforts are as follows:

1. Prime Minister Ryutaro Hashimoto and Minister for Foreign Affairs Yukihiko Ikeda, in their respective meetings with the visiting Israeli Foreign Minister, Mr. David Levy, on 27 February 1997, expressed Japan's deep regret concerning the decision of the Government of Israel to construct housing in the Har Homa, or Jebel Abu Ghneim area of East Jerusalem.

2. Following the commencement of construction work by the Israeli Government in the Har Homa, or Jebel Abu Ghneim area of East Jerusalem, and the terrorist bombing in Tel Aviv, the Deputy Minister for Foreign Affairs conveyed Prime Minister Hashimoto's message to the Prime Minister of Israel and the President of the Palestinian Authority, urging that every effort should be made in order to salvage the peace process.

3. On 21 March 1997, the Government of Japan decided to extend emergency grant aid totalling 11 million dollars to assist the Palestinians, who are facing deteriorating economic conditions as a result of the closure of the West Bank and Gaza Strip by the Government of Israel.

Jordan

[Original: English]

1. In resolution ES-10/2, the international community has again condemned Israel's illegal actions in the Palestinian and the other Arab territories that it occupies by military force and that it subjugates through inhumane practices. The resolution, in essence, also calls on Israel to respect its own moral and legal obligations as a State Member of the United Nations and as an occupying power.

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2. In view of the clarity of the resolution, and in view of the mandate given to the Secretary-General in paragraph 9 of the resolution, Jordan believes that the Secretary-General's involvement in and oversight of the situation in the occupied territories remain central to the overall drive to a peaceful and comprehensive resolution to the Israeli-Palestinian conflict and to the situation in the Middle East. In this vein, Jordan is of the view that the door is wide open for the Secretary-General to exercise the powers vested in his offices towards the implementation of the resolution in its entirety, in order to allow the peace talks to resume in the hope that the process will achieve the desired results of realizing the comprehensive and permanent peace in the region of the Middle East.

Netherlands

[Original: English]

The Permanent Representative of the Kingdom of the Netherlands in his capacity as representative of the Presidency of the European Union, submitted the following reply:

The European Union strongly disapproves of construction activities as undertaken by Israel to build a new settlement on the West Bank in Jebel Abu Ghneim/Har Homa. It reiterates that all settlement activities in the occupied territories contravene international law and are a major obstacle to peace. Settlement activities in territories under occupation by Israel constitute a violation of the Fourth Geneva Convention. These territories are not under Israeli sovereignty, and the European Union considers acquisition by force inadmissible. It has taken note with concern that construction in Jebel Abu Ghneim/Har Homa continues and that Israel has not yet complied with calls for its immediate suspension.

Norway

[Original: English]

Norway remains gravely concerned about Israeli settlement activities on the West Bank, including East Jerusalem. Such unilateral acts change the facts on the ground and threaten a very fragile peace process. Its Government has raised this issue with the Government of Israel on numerous occasions, underlining the need to stop any further settlement activities while final status negotiations are under way. Norway deeply regrets that Israel has not heeded calls from its partner in peace, from neighbouring States and from the international community to stop the construction on Jebel Abu Ghneim. Norway has repeatedly called on both sides to show restraint and to resume as soon as possible negotiations on outstanding issues and final status.

Russian Federation

[Original: Russian]

1. The Russian Federation reaffirms its support for resolution ES-10/2. It has repeatedly stated its official view that Israel's settlement activities in the occupied territories are illegal from the standpoint of international law and hinder the normal progress of the Middle East peace process. The renewed construction of settlements runs counter to the Palestinian-Israeli agreements barring changes in the status of the Occupied Palestinian Territory prior to the conclusion of negotiations.

2. As a co-sponsor the peace process, the Russian Federation conveyed its opinion on the problem of Jebel Abu Ghneim to the Government of Israel, endeavouring to help to solve it in order to bring about the resumption of and progress in the Palestinian-Israeli negotiations. The Russian side intends to pursue active efforts to promote a normalized atmosphere in the context of a Middle East settlement and to create the conditions for revitalizing the peace process in all areas.

Saudi Arabia

[Original: English]

1. The Permanent Representative would first like to reiterate Saudi Arabia's position on this matter, as already stated at the tenth emergency special session of the General Assembly on 24 April 1997. Saudi Arabia continues to believe strongly that a just and balanced peace in the Middle East is an integral part of international peace and security.

2. Regrettably, the Government of Israel continues blatantly to violate the provisions of the Madrid Peace Conference and the Oslo accords with its persistence in proceeding with construction of settlements at Jebel Abu Ghneim in the Holy City of Jerusalem, as well as other parts of the Occupied Palestinian Territory. Its disregard for a just peace in the Middle East is evident from its recent policies, including its decision to proceed with illegal construction of settlements within 24 hours of the adoption of resolution ES-10/2 by the international community, which "demands immediate and full cessation of the construction in Jebel Abu Ghneim". To day, this illegal activity has not ceased.

3. The Government of Israel must be persuaded to respect fully its commitments under the Madrid Peace Conference and the Oslo agreement so that a genuine and just peace can be secured in the Middle East.

Tunisia

[Original: French]

1. The Permanent Representative of Tunisia wishes first of all to emphasize Tunisia's indestructible attachment to the international legal order and its respect for the spirit and letter of United Nations resolutions on the question of Palestine, particularly the provisions of General Assembly resolution ES-10/2.

2. Whereas the Oslo, Washington and Cairo accords raised hopeful prospects for a just and lasting peaceful solution leading to the establishment of an independent Palestinian State with Jerusalem as its capital, the new Israeli Government has embarked on a policy of colonization of the occupied Palestinian territories with the aim of creating situations of fait accompli on the ground. Despite the condemnation of such practices by the international community, it is regrettable to observe that Israel is continuing to pursue the construction of settlements in Jebel Abu Ghneim, East Jerusalem and the rest of the Occupied Palestinian Territory, in defiance of the provisions of General Assembly resolution ES-10/2 and the relevant provisions of the Fourth Geneva Convention of 12 August 1949, which prohibits making changes of a geographical nature in territories under foreign occupation.

3. Every effort should be made, therefore, to compel the Government of Israel to abide by the commitments which it made in the framework of the Madrid Conference and the Oslo accords and to comply with the international legal order with a view to the establishment of a just, comprehensive and lasting peace in the Middle East.

V. REPLY FROM THE OBSERVER MISSION OF PALESTINE

28. The Permanent Observer of Palestine to the United Nations conveyed the following remarks.

(a) The Permanent Observer of Palestine emphasizes the importance of the tenth emergency special session, which was held to consider the illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory in the wake of the failure of the Security Council twice to adopt a resolution on those actions as a result of the negative vote of a permanent member of the Council;

(b) The Permanent Observer of Palestine emphasizes also the importance of resolution ES-10/2, overwhelmingly adopted by Member States of the United Nations. The resolution contains, inter alia, recommendations for collective measures to be taken by the members, in accordance with General Assembly resolution 377 A (V) of 3 November 1950 and reaffirms the established positions of the United Nations on illegal Israeli settlements and the question of the city of Jerusalem;

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(c) The Permanent Observer of Palestine stresses the importance of the full implementation of resolution ES-10/2 by Member States, in particular operative paragraphs 7 and 8. With regard to operative paragraph 7, while there is no known Member State providing assistance to illegal Israeli activities in the Occupied Palestinian Territory, including Jerusalem, the activities of private groups in some Member States to that effect and the issue of the fungibility of money raise concerns that should be addressed;

(d) Operative paragraph 8 of resolution ES-10/2 stresses the obligation of the High Contracting Parties to the Fourth Geneva Convention, under article 1 of the Convention, to ensure respect by Israel, the occupying Power, of the Convention. It is accordingly expected that specific actions will be taken in this regard by the High Contracting Parties on a national as well as a regional level;

(e) Resolution ES-10/2 demands immediate and full cessation of the construction of Jebel Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem. It is unfortunate to note that Israel, the occupying Power, has not heeded this demand and in fact it continues with such illegal measures and actions;

(f) Resolution ES-10/2 stresses the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods in the Territory, including the removal of restrictions into and from East Jerusalem, and the freedom of movement to and from the outside world. It is also unfortunate to note that Israel, the occupying Power, continues to violate the territorial integrity of the Palestinian territory and continues to impose all kinds of restrictions on the freedom of movement of persons and goods;

(g) Resolution ES-10/2 requests the Secretary-General to monitor the situation and to submit a report on the implementation of the present resolution, within two months of its adoption, in particular on the cessation of the construction of the new settlement in Jebel Abu Ghneim and of all other illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory. It is important to stress the necessity for the report to cover fully the issues specified in the mandate given to the Secretary-General;

(h) It would be useful, during the process of preparation of the report of the Secretary-General to have a special representative of the Secretary-General visit the area to gain first-hand experience, especially with regard to illegal Israeli actions and measures related to Jerusalem and illegal Israeli settlements throughout the Occupied Palestinian Territory. In any case, however, the United Nations is believed to have broad experience and information, available through several agencies and United Nations bodies, on the actual situation on the ground;

(i) The efforts of the membership during the tenth emergency special session and the efforts of the Secretary-General are indeed valuable in the attempt to salvage the Middle East peace process, which is being very seriously threatened by the Israeli failure to comply with the will of the international

community, international law and the provisions of resolution ES-10/2, in addition to its serious violations of the agreements reached between the Palestine Liberation Organization and the Government of Israel in the framework of the Middle East peace process;

(j) Resolution ES-10/2 makes it clear that the tenth emergency special session adjourned temporarily and can be resumed to consider the report of the Secretary-General and, in case of Israeli non-compliance, to follow up the resulting serious situation in the Occupied Palestinian Territory and the Middle East as a whole. In such a case, the tenth emergency special session can consider making further recommendations within the framework of Chapters VI and VII of the Charter of the United Nations.

The Permanent Observer of Palestine stresses that international law should be upheld and the will of the international community must be heeded and no State should be allowed to behave otherwise.



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OCCUPIED PALESTINIAN TERRITORY

SECURITY COUNCIL
Fifty-second year

Report of the Secretary-General submitted in accordance
with General Assembly resolution ES-10/2

Corrigendum

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Section III should read

III. REPORT PREPARED PURSUANT TO PARAGRAPH 9 OF RESOLUTION ES-10/2



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SECURITY COUNCIL
Fifty-second year

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Addendum

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REPLIES FROM MEMBER STATES

Lebanon

[Original: Arabic]

1. The current crisis facing the peace process in the Middle East is the responsibility of the Government of Israel, which has repeatedly announced its disavowal of the principles on which the peace process initiated at the Madrid Conference was based. The Government of Israel has also reneged on commitments made to other parties at Oslo and Washington.

2. That the Government of Israel should still be building and expanding settlements is in itself in flagrant violation of any commitment to the peace process and can only undermine and destroy that process. Israel's plans to build a new settlement in Jebel Abu Ghneim to the south of occupied East Jerusalem confirm its determination to impose a fait accompli by force in a manner incompatible with the concept of peace and what it requires of the region and also bear out the fact that it ignores the rights and interests of those who are supposed to be its partners in peace.

3. Lebanon reaffirms its commitment to peace as a strategic choice and believes that peace can only be achieved if the relevant principles and United Nations resolutions are respected. It calls for the resumption of negotiations on the Lebanese and Syrian tracks from the point previously reached. Lebanon also calls for the final-status talks between Israel and the Palestinians to begin, so that the Palestinian people will be accorded its legitimate rights as they relate to the establishment of an independent State with Jerusalem as its capital, in keeping with the political and religious significance that the Holy City holds for Palestinians in particular and for adherents of the Islamic, Christian and Jewish faiths in general.

South Africa

[Original: English]

1. The Government of South Africa strongly disapproves of construction activities as undertaken by Israel to build a new settlement on the West Bank in Jebel Abu Ghneim/Har Homa.

2. South Africa reiterates its view that all settlement activities in the occupied territories contravene international law and are a major obstacle to peace.

3. In addition, settlement activities in territories under occupation by Israel constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. These territories are not under Israeli sovereignty and South Africa considers the acquisition of such by force as inadmissible.

4. South Africa has taken note with concern that construction in Jebel Abu Ghneim/Har Homa continues and that Israel has not yet complied with calls for its immediate suspension.

Thailand

[Original: English]

The Royal Thai Government has strictly complied with General Assembly resolution ES-10/2. It has never supported Israel's illegal activities in the occupied territories, including Jerusalem. Thailand fully supports the inalienable rights of the Palestinian people and the peace process in the Middle East.



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SECURITY COUNCIL
Fifty-second year

Report of the Secretary-General submitted in accordance
with General Assembly resolution ES-10/3

I. INTRODUCTION

1. The present report is submitted pursuant to resolution ES-10/3 adopted on 15 July 1997 by the General Assembly at its tenth emergency special session. Paragraph 10 of the resolution reads as follows:

"Recommends that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect, in accordance with common article 1, and requests the Secretary-General to present a report on the matter within three months."

2. In order to fulfil my reporting responsibilities, on 31 July 1997, I addressed a note verbale to the Permanent Observer of Switzerland to the United Nations requesting the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to provide me, in due course, with the necessary information.

II. INFORMATION PROVIDED BY THE GOVERNMENT OF SWITZERLAND

3. On 7 October 1997, the Government of Switzerland conveyed to me the following information:

"In response to the note of the Secretary-General, the Government of Switzerland sought the views of the 188 States parties to the Fourth Geneva

Convention. The notes addressed to the States parties stated, inter alia, the following:

'It is the responsibility of the States parties to the Fourth Convention, after considering the recommendation addressed to them, to determine how they wish to follow it up. As depositary, the Swiss Government is interested in knowing their views. Therefore, the Embassy has the honour to consult the Ministry and to invite it to submit its comments on possible measures to follow up paragraph 10 of resolution ES-10/3, including comments on the convening of a conference, as recommended, and on the results that might thereby be achieved.'

"To date, 53 States parties to the Convention have sent written replies to the note requesting their views. These views are as follows:

- Twenty-nine States said that they were in favour of the convening of a conference as recommended by resolution ES-10/3.
- One State was against the convening of a conference, saying that 'such a conference would have seriously harmful effects on humanitarian protection and on the peace process'.
- One State said that it had 'voted in favour of General Assembly resolution ES-10/3'.
- One State said that it had 'supported paragraph 10 of General Assembly resolution ES-10/3'.
- One State said that it was 'willing to participate in the conference ... in accordance with paragraph 10 of the resolution'.
- One State said that it had 'noted the recommendation contained in paragraph 10 of the resolution'.
- Two States said that they had 'no objection to the convening of a conference'.
- One State said that it had 'no objection to the proposal to convene a conference of experts from the interested parties, with a view to discussing the existing humanitarian problems in the Palestinian territory'. That State also felt that 'another possible measure ... would be for the interested parties to appeal to the International Fact-Finding Commission (article 90 of Additional Protocol I of 1977). The Commission is competent to facilitate, through its good offices, the restoration of an attitude of respect for the 1949 Conventions'. That State believes, in that regard, 'that the fact that Israel has not acceded to Additional Protocol I of 1977 should not prevent the Commission from resolving the issue on an ad hoc basis'. In the view of this State, 'the implementation of either of these two

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measures would be a positive step and would encourage a normalization of the humanitarian situation in the Palestinian territory'.

- One State said that 'a more careful study should be made of the appropriateness of convening this conference'. This State therefore wishes 'to know the positions of the other States concerned before expressing its own views'.
- One State considered that such a conference 'should be held if the party concerned was in favour of such a meeting, so that the prospect existed for an improvement in the enforcement of the Fourth Geneva Convention'. This State, noting that such a meeting, or a comparable one, had never before been held, said that 'careful and prudent preparation was an essential precondition for a conference'.
- One State said that it 'upheld, in principle, the idea of convening a conference of the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War on measures to enforce the Convention in the [territories referred to in resolution ES-10/3]', but that 'a conference of this type required thorough preparation and should be structured and timed so as to enhance the possibility of attaining a lasting peace in these regions'.
- One State thought it would be preferable, 'given the delicate situation in the Middle East, to await progress on the efforts being made to bring about the resumption of the peace process, particularly at a time when meetings are planned in the near future between the parties directly involved'.
- One State wrote that it wished 'to try to exchange views with other Governments in order to ensure that the convening of the conference at the current stage will not provoke further tensions in Israeli-Palestinian relations and will not endanger the fragile peace which has already been threatened by the outbreak of violence'.
- One State said that it 'did not believe that the convening of a conference of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War would make an effective contribution towards advancing the peace process'.
- One State said that 'in addition to recognizing the rights of the Palestinian people, the resolution should contain an acceptance of the fact that the peace process and the implementation of the agreements between the Government of Israel and the autonomous Palestinian Government should guarantee that neither of the two Parties would commit acts which would affect the peace process

and tolerance, an indispensable condition to ensure the success of the negotiations'.

- Four States reiterated word-for-word the joint reply which the State currently presiding over the body of which they are members had been authorized to transmit, according to which the members of that body suggested that 'the possibilities should be explored of convening a meeting of experts which would be charged with examining the political and legal context before a conference of the High Contracting Parties was convened'.
- One State, a member of the same body as the four mentioned above, said that the State currently presiding over that body 'had been authorized ... to transmit a joint reply', and that 'that note thus reflects [its] opinion'.
- One State, a member of the same body as the five mentioned above, said that the question 'would be dealt with' by the State currently presiding over that body 'on behalf of its member countries'.
- Three States, members of the same body as the six mentioned above, referred to 'the note verbale sent' by the State currently presiding over that body, 'which reflects the opinion (the position) [of their] Government[s] on the matter'.

"Moreover, the depositary received a letter from the President of the Coordinating Bureau of the Movement of Non-Aligned Countries in which he expressed 'the support of the Movement for the convening of a conference of the Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, as recommended in paragraph 10 of resolution ES-10/3 adopted by the United Nations General Assembly on 15 July 1997'.

"Similarly, the Secretary-General of the League of Arab States sent a letter expressing 'the approval of all the Arab countries of the contents of the letter from the Swiss Government concerning the holding of such a conference', adding, in a subsequent letter, that 'the Arab countries would hope that this conference will be held as soon as possible in order to safeguard the interests of the Palestinian people'.

"Lastly, the Presidency of the Council of the European Union stated that it had been 'authorized by the 15 States members of the European Union, High Contracting Parties to the Geneva Conventions, to transmit a joint reply from the 15 member States concerning the follow-up to resolution ES-10/3, paragraph 10 of which provides for the convening of a conference'. In this joint reply, the member States said that they 'believe that the convening of a conference in the immediate future would, in the present circumstances, risk giving rise to additional complications unless it was carefully prepared'. The member States therefore suggested that 'the possibilities should be explored of convening a meeting of experts which would be charged with examining the political and legal context before a conference of the High Contracting Parties was convened.

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The meeting of experts could also examine the broader implications of such a conference'.

"Upon receipt of these collective replies, the depositary indicated that, out of a concern for clarity and precision, it would, as far as possible, like to be able to obtain individual replies from the States concerned. A number of those States acceded to the depositary's request and sent individual replies, included in the 53 mentioned above, along the lines of the reply sent by the body of which those States were members."



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PALESTINIAN TERRITORY

SECURITY COUNCIL
Fifty-second year

Report of the Secretary-General submitted in accordance
with General Assembly resolution ES-10/3

Addendum

II. INFORMATION PROVIDED BY THE GOVERNMENT OF SWITZERLAND

On 5 November 1997, the Government of Switzerland conveyed to me the following information:

"Since the first document was sent on 7 October 1997 (see A/ES-10/16-S/1997/798/Add.1), the depositary has received 20 additional replies. These replies express the following views:

- One State said that it was in favour of convening the Conference of High Contracting Parties as soon as possible.
- One State said that it agreed that a conference should be convened in accordance with General Assembly resolution ES-10/3 of 15 July 1997.
- One State replied that it had voted in favour of the resolution and could therefore support the proposal made in its paragraph 10.
- One State said that it supported the convening of a conference as recommended in paragraph 10 of the resolution.
- One State said that it had no objection, and therefore supported the proposal to convene a conference of the High Contracting Parties as recommended in paragraph 10 of the resolution.

- One State said that it would participate in the conference when it was convened.
- One State said that it supported and would continue to support all activities aimed at implementing the resolutions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.
- One State considered it necessary to hold a preliminary meeting of experts with a view to making it possible to implement the proposal contained in the draft resolution on the implementation in the Occupied Palestinian Territory of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949.
- One State thought that if such a conference were to achieve the desired results, it was necessary that the States concerned agree to be represented in the deliberations and that they should express clearly their will to be bound by the relevant provisions of the conclusions resulting from the conference. That State also said that its Government would give favourable consideration to any proposal and would support any peaceful initiative consistent with resolution ES-10/3, aimed at ending the physical and moral suffering of the civilian populations in the Occupied Palestinian Territory.
- One State indicated that as a first step it would be desirable to convene a group of experts from the States concerned, whose main task would be to consider the political and legal implications of such a conference. Once the group of experts had been consulted, the States parties to the Convention would be in a good position to express their views on the actual idea of such a meeting.
- One State reiterated word for word the joint reply that the State currently presiding over the body of which it is a member had been authorized to transmit, according to which the States members of that body believed that the convening of a conference in the immediate future would, in the present circumstances, risk giving rise to additional complications unless it was carefully prepared, and therefore suggested that the possibilities should be explored of convening a meeting of experts which would be charged with examining the political and legal context before a conference of the High Contracting Parties is convened. The meeting of experts could also examine the broader implications of such a conference.
- One State, a member of the same body as the State mentioned above, said that it wished to refer to the reply which the State currently presiding over that body had transmitted to the Swiss authorities, and likewise reiterated word for word the joint reply.
- Two States, members of the same body as the two mentioned above, said that the joint reply of the State currently presiding over that body was consonant with their position on the question.

- One State member of the same body as the four mentioned above said that the views expressed in the note verbale sent by the State currently presiding over that body were those of its Government.
- One State said that it had supported resolution ES-10/3 and attached priority to the re-establishment and strengthening of humanitarian international law and specifically to respect for the Fourth Geneva Convention by all the parties to the conflict. According to that State, the conference should serve to strengthen the peace negotiations currently under way, which had reached a sensitive stage.
- One State indicated that it had no major objection to the convening of a conference, provided that the idea was supported by a very large majority of the States parties to the Convention.
- One State said that it approved of the content of the letter of the Government of Switzerland concerning the conference.
- One State said that it saw no urgent need at the present time to convene a conference and that in the immediate future it would be better to follow closely the progress of the negotiations between the parties.
- One State did not believe that such a conference would be useful or necessary at the present time or that it would foster the atmosphere of confidence required for progress in the negotiations between the parties to the Middle East peace process. That State consequently did not support the convening of such a conference and would not take part if it were convened.

"In addition to those 20 replies, the depositary received a spontaneous communication from the general delegation of Palestine in Switzerland in which the Palestine Liberation Organization and the Palestinian National Authority affirmed the need to convene a conference of the High Contracting Parties to the Fourth Geneva Convention of 1949 as soon as possible, so as to take practical measures aimed at ensuring respect for the provisions of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to confirm the necessity of respecting them in accordance with common article 1 of the four Conventions of 1949."



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Agenda item 5

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Report of the Secretary-General prepared pursuant to General Assembly resolution ES-10/10

Summary

This report was prepared on the basis of General Assembly resolution ES-10/10, adopted on 7 May 2002, in which the Assembly requested the Secretary-General to present a report, drawing upon the available resources and information, on the recent events that took place in Jenin and other Palestinian cities. The General Assembly requested the report following the disbandment of the United Nations fact-finding team that had been convened by the Secretary-General in response to Security Council resolution 1405 (2002) of 19 April 2002.

The report was written without a visit to Jenin or the other Palestinian cities in question and it therefore relies completely on available resources and information, including submissions from five United Nations Member States and Observer Missions, documents in the public domain and papers submitted by non-governmental organizations. The Under-Secretary-General for Political Affairs wrote to the Permanent Representative of Israel and the Permanent Observer of Palestine to the United Nations requesting them to submit information but only the latter did so. In the absence of a response from Israel, the United Nations has relied on public statements of Israeli officials and publicly available documents of the Government of Israel relevant to the request in resolution ES-10/10.

This report covers the period from approximately the beginning of March to 7 May 2002. The report sets out the context and background of the situation in Israel and the Occupied Palestinian Territory, including the security, humanitarian and human rights responsibilities of both parties. It briefly charts the rising violence since September 2000, which had by 7 May 2002 caused the deaths of 441 Israelis and 1,539 Palestinians.

The report describes the pattern of attacks carried out by Palestinian armed groups against Israel operating from the West Bank and Israel's military action during Operation Defensive Shield, which began on 29 March with an incursion into



Ramallah, followed by entry into Tulkarm and Qalqilya on 1 April, Bethlehem on 2 April, and Jenin and Nablus on 3 April. By 3 April, six of the largest cities in the West Bank, and their surrounding towns, villages and refugee camps, had been occupied by the Israeli military. Operation Defensive Shield was characterized by extensive curfews on civilian populations and restrictions, indeed occasional prohibitions, on the movement of international personnel, including at times humanitarian and medical personnel as well as human rights monitors and journalists. In many instances, humanitarian workers were not able to reach people in need. Combatants on both sides conducted themselves in ways that, at times, placed civilians in harm's way. Much of the fighting during Operation Defensive Shield occurred in areas heavily populated by civilians and in many cases heavy weaponry was used. As a result of those practices, the populations of the cities covered in this report suffered severe hardships. The Israeli Defence Forces announced the official end of the operation on 21 April but its consequences lasted until the end of the period under review and beyond.

I. Introduction

1. The present report is submitted pursuant to resolution ES-10/10 adopted on 7 May 2002 by the General Assembly at its tenth emergency special session. In paragraph 6 of the resolution the Assembly requested the Secretary-General to present a report, drawing upon the available resources and information, on the recent events that took place in Jenin and other Palestinian cities.

II. Security Council resolution 1405 (2002)

2. On 19 April 2002, the Security Council unanimously adopted resolution 1405 (2002), in which it welcomed my initiative to develop accurate information regarding recent events in the Jenin refugee camp through a fact-finding team. This resolution was tabled in the Council by the delegation of the United States of America following telephone conversations that I had with Israel's Foreign Affairs and Defence Ministers at their initiative, during which I was assured that Israel would cooperate fully with the team that I would designate.

3. Pursuant to resolution 1405 (2002), on 22 April 2002, I established a fact-finding team composed of Martti Ahtisaari, Sadako Ogata and Cornelio Sommaruga. Headed by Mr. Ahtisaari, the team's members also included four senior advisers: Major General (ret.) William Nash, as Military Adviser; Deputy Commissioner Peter Fitzgerald, as Police Adviser; Ambassador Tyge Lehmann, as Legal Adviser; and Helena Ranta, as Medical/Legal Adviser. In addition, the team was provided with technical expertise in military, security and counter-terrorism issues, as well as forensic science and general support staff. The team gathered at Geneva and began to prepare a work plan based on three elements: (a) events in Jenin in the period immediately prior to Israel's military operation; (b) the battle in Jenin during Operation Defensive Shield; and (c) efforts by humanitarian workers to gain access to the civilian population in Jenin after the end of hostilities.

4. After the appointment of the members of the team, the Government of Israel raised a number of concerns regarding the work of the team that made its timely deployment impossible and led me to disband

the team. On 1 May 2002 I sent a letter to the President of the Security Council (S/2002/504) describing my efforts to implement resolution 1405 (2002), which read, in part:

(a) I instructed that the team should gather in Geneva on 24 April and proceed to the area on 25 April. However, soon after I announced my plan to deploy the team, the Government of Israel began to express concerns related to the composition of the team, the scope of its mandate, how this mandate would be carried out and various procedural matters. At the request of the Government of Israel, I agreed that the Secretariat would meet with a delegation from Israel and listen to Israel's concerns and engage in a clarificatory process. I set back the arrival of the team in the area to 27 April.

(b) The discussions with the Israeli delegation were held in a very constructive atmosphere on 25 and 26 April. By the time the Israeli delegation was able to report back on the results of those meetings, the Sabbath had begun in Israel. The Foreign Minister of Israel informed me that the Israeli Cabinet would address the issue at its scheduled meeting on 28 April and requested that the team delay its arrival for another day. I acceded to this request and the Under-Secretary-General for Political Affairs briefed the Security Council accordingly.

(c) On 27 April, I spoke on the telephone with the Prime Minister of Israel, after which I dispatched letters to the Permanent Representative of Israel and the Permanent Observer of Palestine setting out the parameters of work of the team. These letters were circulated to Security Council members on the same day. The Permanent Representative of Israel sent me a reply late on 27 April, in which he put forward several concerns on the part of his Government. The Under-Secretary-General for Political Affairs responded orally to the Permanent Representative of Israel.

(d) On 28 April, the Israeli Cabinet did not reach a decision on the fact-finding team; I was informed by Israel that the matter would be reviewed by the Cabinet at a meeting the following day. The Secretariat briefed the Security Council on the information I had received on 28 April, and the Council agreed that the President of the Council would express its continuing support for my efforts to implement resolution 1405 (2002).

(e) The Israeli Cabinet did not meet on 29 April. Instead, I was informed by the Permanent Representative of Israel that the Cabinet had scheduled a meeting for early on 30 April. The Secretariat briefed the Security Council accordingly.

(f) Israel's Ministerial Committee on National Security (the Security Cabinet) met early on 30 April, after which it issued the following statement: "Israel has raised essential issues before the United Nations for a fair examination. As long as these terms have not been met, it will not be possible for the clarification process to begin." In the absence of a formal indication of the terms on which the Government of Israel would cooperate with the fact-finding team, this statement was reviewed against the backdrop of various public statements by, and telephone conversations that I held with, senior Israeli officials. I was drawn reluctantly to the conclusion that, while continuing to express its concerns to the United Nations mainly in the form of procedural issues, Israel had developed concerns about Security Council resolution 1405 (2002) that were fundamental in nature.

(g) Throughout this process, the United Nations has made every effort to accommodate the concerns of the Government of Israel within the mandate given to me by the Security Council. It was made quite clear that the team was tasked specifically to develop information about the recent events in Jenin and that the facts established would be used solely for its report to me. In my view, the team would have conducted its assignment in the field in a professional and fair manner and produced an accurate, thorough, balanced and credible report.

(h) Clearly the full cooperation of both sides was a precondition for this, as was a visit to the area itself to see the Jenin refugee camp at first hand and to gather information. This is why the Secretariat engaged in a thorough clarification process with the Israeli delegation.

(i) In the light of yesterday's announcement by the Government of Israel, it seems evident that the team will not be able to proceed to the area and begin its mission in the near future. While I have not received any further written communication from the Israeli Government since 27 April, in my telephone conversations over the past two days, high-level Israeli officials have broached issues additional to those raised by the delegation that came to New York last week and

there have been indications that this list may not be exhaustive.

(j) As the Secretariat noted in its briefings to the Council, time is also a critical factor. With the situation in the Jenin refugee camp changing by the day, it will become more and more difficult to establish with any confidence or accuracy the "recent events" that took place there.

(k) For these reasons, it is my intention to disband the fact-finding team tomorrow. I regret being unable to provide the information requested by the Council in resolution 1405 (2002), and especially that the long shadow cast by recent events in the Jenin refugee camp will remain in the absence of such a fact-finding exercise.

5. On 3 May 2002 I disbanded the team. In writing to the President of the Security Council to inform him of this, I expressed my deep appreciation to President Ahtisaari, Mrs. Ogata, Mr. Sommaruga and all the members of the team for their efforts to support my actions intended to implement resolution 1405 (2002). I stated that I had every confidence that the team would have conducted itself in a professional and fair manner in producing the report requested by the Council.

III. Report prepared pursuant to paragraph 6 of resolution ES-10/10

A. Introduction

6. In order to comply with the General Assembly's request in resolution ES-10/10, on 14 May 2002, the Under-Secretary-General for Political Affairs addressed letters to the Permanent Representative of Israel and the Permanent Observer of Palestine to the United Nations, requesting them to submit information relevant to the implementation of that resolution. In addition, on 14 May 2002, the Under-Secretary-General for Political Affairs addressed a note verbale to all other Member States and Observer Missions requesting the submission of relevant information. On 3 June 2002, the Under-Secretary-General for Political Affairs addressed another note verbale to Member States and Observer Missions extending the deadline for submissions to 14 June 2002.

7. On 3 June 2002, in response to the letter of the Under-Secretary-General for Political Affairs, the

Permanent Observer of Palestine submitted materials regarding recent events in Jenin and other Palestinian cities (see annex I). In addition, five Member States and Observer Missions have submitted information, responding to the note verbale of 14 May (see annexes II-IV).¹ As at the date of submission of this report, the Government of Israel has not responded to the information request. In the absence of a response from Israel, the United Nations has relied on public statements of Israeli officials and other publicly available documents of the Government of Israel relevant to the request in resolution ES-10/10.

8. This report covers the period from approximately the beginning of March to 7 May 2002. In keeping with the request of the General Assembly, the substantive portion of the report is based on sources of information available to the United Nations, including those in the public domain and submitted by non-governmental organizations. The report begins by setting out the context and background, before describing recent events.

B. Security, humanitarian and human rights responsibilities

9. Subsequent to the signing on 13 September 1993 of the Declaration of Principles on Interim Self-Government Arrangements, the Government of Israel and the Palestine Liberation Organization (PLO) signed a further agreement that, inter alia, specified the security-related responsibilities of the two sides. The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed on 28 September 1995 by Israel and the Palestine Liberation Organization details the mechanisms for the extension of Palestinian self-rule to portions of the West Bank. The main feature of the Agreement was the provision for the division of the West Bank into three areas, each with varying degrees of Israeli and Palestinian responsibility. Area A consisted of the seven major Palestinian towns — Jenin, Qalqilya, Tulkarm, Nablus, Ramallah, Bethlehem, Jericho and Hebron — in which Palestinians would have complete responsibility for civilian security. In area B, which comprised all other Palestinian population centres (except for some refugee camps), Israel would retain “overriding security

responsibility”. In area C, which includes all settlements, military bases and areas, and State lands, Israel would retain sole security responsibility. Area A comprises approximately 10 per cent of the territory of the West Bank.

10. The Interim Agreement also provides that “Israel shall have the overall responsibility for security for the purpose of protecting Israelis and confronting the threat of terrorism”. It states that “[b]oth sides shall take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against each other, against individuals falling under the other’s authority and against their property, and shall take legal measures against offenders”.

11. Israel’s obligations in the Occupied Palestinian Territory are set out in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to which Israel is a High Contracting Party. Palestinian residents of the Occupied Territory are “protected persons” under the Convention, which provides that they may not be wilfully killed, tortured, taken as hostages or suffer humiliating or degrading treatment. Israel has obligations not to engage in acts of collective punishment or reprisals and is to refrain from appropriating or extensively destroying the property of protected persons unless such destruction is “rendered absolutely necessary by military operations”.

12. The Government of the State of Israel has not, as at the submission of this report, accepted the de jure applicability of the Fourth Geneva Convention of 1949 to all Territory occupied since 1967. Israel has stated that it has undertaken to comply with the humanitarian provisions of the Convention in its administration of the Occupied Palestinian Territory. All other High Contracting Parties, as well as the International Committee of the Red Cross, maintain that the Convention does apply de jure to the Occupied Palestinian Territory.

13. The Palestinian Authority is obligated under international customary law to respect human rights, including to refrain from carrying out attacks against civilians, and is required to prevent groups within its territory from engaging in such attacks. Thus, the Palestinian Authority has the responsibility to protect Israeli civilians from attacks, including suicide bombings, emanating from areas under its security control. Those Palestinian groups that have carried out attacks against civilians have also violated the basic

¹ Two of the submissions received are not reproduced, at the request of the submitting parties concerned.

international legal principle of the inviolability of civilian life and property. Acts of terror that take life violate the right to life set forth in the International Covenant on Civil and Political Rights. In addition, those groups, and other armed personnel, are prohibited under international humanitarian law from establishing military bases in densely populated civilian areas.

C. Rising violence

14. Since the outbreak of crisis in September 2000, the origins of which have been comprehensively set out in the report of the Sharm el-Sheikh Fact-Finding Committee headed by former Senator George Mitchell, there has been sustained violence between the parties, fluctuating in intensity, causing by 7 May 2002 the deaths of 441 Israelis and 1,539 Palestinians. By the beginning of 2002, the parties were already locked in an accelerating cycle of violent attacks. This cycle of violence further increased in intensity through the early months of this year. The violence reached a high point in the months of March and April, which saw suicide bomb attacks against Israelis by Palestinian groups increase in frequency, and two waves of incursions by the Israeli Defence Forces (IDF) into Palestinian towns and villages in the West Bank, including areas under the administrative and security responsibility of the Palestinian Authority.

15. On 12 March 2002, after a series of terrorist attacks carried out by Palestinians earlier in that month, and as the first wave of IDF incursions into the West Bank was coming to a close, I told the Security Council in a briefing that I believed that Israeli-Palestinian tensions were at boiling point and that the situation was the worst in 10 years. I called on Palestinians to stop all acts of terrorism and all suicide bombings, stating that such attacks were morally repugnant and caused harm to their cause. I called on Israelis to stop the bombing of civilian areas, the extrajudicial killings, the demolitions, and the daily humiliation of ordinary Palestinians. I asserted that such actions gravely eroded Israel's international standing and fuelled the fires of hatred, despair and extremism among Palestinians. Finally, I urged the political leaders of both peoples — Prime Minister Sharon and Chairman Arafat — to lead their peoples away from disaster.

16. Palestinian terrorist attacks against Israelis continued, followed by Israeli military incursions into Palestinian areas. On 4 April, one week into the second

wave of incursions in the West Bank — the Israeli Defence Forces' Operation Defensive Shield — I again briefed the Security Council and called on all members of the international community to consider urgently how best to intercede with the parties to persuade them to draw back from their present course. I told the Council that self-defence was not a blank cheque, and that responding to terrorism did not in any way free Israel from its obligations under international law, nor did it justify creating a human rights and humanitarian crisis in the Occupied Palestinian Territory. Equally, the Palestinian Authority seemed to believe that failing to act against terrorism, and inducing turmoil, chaos and instability, would cause the Government and people of Israel to buckle — which I believed they would not. I called on the Government of Israel to comply with Security Council resolution 1402 (2002) and withdraw its forces from the Palestinian territory it had occupied during Operation Defensive Shield. I urged Chairman Arafat to exercise political leadership and set the course for the future of his people.

17. On more than one occasion during this very difficult period, I expressed to the Security Council my view that, despite the fact that bitterness and despair were at an all-time high on both sides, we all needed to cling to the conviction that, in the end, however long it would take, there would one day have to be a peaceful settlement of this conflict. While the road back to the negotiating table would not be easy or smooth, both sides, with the help of the international community, must restart a process based on Security Council resolutions 1397 (2002) and 1402 (2002) which, taken together, provide the vision for a permanent settlement of the Israeli-Palestinian conflict and the immediate security and political steps needed to move beyond the present crisis.

18. From the beginning of March until 7 May, Israel endured approximately 16 bombings, the large majority of which were suicide attacks. More than 100 persons were killed and scores more wounded. Throughout this period, the Government of Israel, and the international community, reiterated previous calls on the Palestinian Authority to take steps to stop terrorist attacks and to arrest the perpetrators of such attacks.

19. During this same period, IDF conducted two waves of military incursions primarily in the West Bank, and air strikes against both the West Bank and the Gaza Strip. The first wave began on 27 February 2002 and ended on approximately 14 March. Those

incursions, which Israel stated were in pursuit of Palestinians who had carried out attacks against Israelis, involved the use of ground troops, attack helicopters, tanks and F-16 fighter jets in civilian areas, including refugee camps, causing significant loss of life among civilians.

20. Over the course of two days, 8 and 9 March, 18 Israelis were killed in two separate Palestinian attacks and 48 Palestinians were killed in the Israeli raids that followed.

21. Israeli military retaliation for terrorist attacks was often carried out against Palestinian Authority security forces and installations. This had the effect of severely weakening the Authority's capacity to take effective action against militant groups that launched attacks on Israelis. Militant groups stepped into this growing vacuum and increased their attacks on Israeli civilians. In many cases, the perpetrators of these attacks left messages to the effect that their acts were explicitly in revenge for earlier Israeli acts of retaliation, thus perpetuating and intensifying the cycle of violence, retaliation and revenge.

22. It was against this backdrop that the most extensive Israeli military incursions in a decade, Operation Defensive Shield, were carried out. The proximate cause of the operation was a terrorist attack committed on 27 March in the Israeli city of Netanya, in which 28 people were killed and 140 injured. I condemned the terrorist attack from the Beirut Summit of the League of Arab States as morally repugnant and later described it to the Security Council as a blow against the very possibility of coexistence. On 29 March 2002, the Cabinet of the Government of Israel issued a communiqué approving "a wide-ranging operational action plan against Palestinian terror" and, to that end, "the mobilization of reserves as per operational need". The objective was to "defeat the Palestinian terror infrastructure and to prevent the recurrence of the multiple terrorist attacks which have plagued Israel".

D. Operation Defensive Shield

23. Operation Defensive Shield began on 29 March with an incursion into Ramallah, during which IDF seized most of the buildings in the headquarters compound of Chairman Arafat. Operations followed in Tulkarm and Qalqilya on 1 April, Bethlehem on 2

April, and in Jenin and Nablus on 3 April. By 3 April, six of the largest cities in the West Bank, and their surrounding towns, villages and refugee camps, were occupied by the Israeli military. The Israeli Defence Forces announced the official end of the operation on 21 April as they completed their withdrawal from Nablus and parts of Ramallah, while continuing negotiations to lift the siege at the Church of the Nativity in Bethlehem. The IDF withdrawals from Palestinian cities were, in general, not to pre-29 March positions, but rather to positions encircling the cities. Since then, the Israeli Defence Forces have made additional incursions into many of the Palestinian towns and cities from which they had withdrawn at the conclusion of Operation Defensive Shield, and as this report was being prepared had re-entered many Palestinian towns.

24. A few generally applicable observations can be made about the incursions during Operation Defensive Shield. In each incursion, Israeli troops, tanks and armoured personnel carriers entered the cities and IDF imposed curfews on their civilian populations. In each case, the incursions were accompanied by the entry of IDF into nearby villages and refugee camps. The Israeli Defence Forces declared the cities they had entered "special closed military areas", imposing restrictions on, and at times completely barring, the movement of international personnel, including at times humanitarian and medical personnel as well as human rights monitors and journalists. As a result of these restrictions on movement, including the round-the-clock curfews that lasted with periodic liftings throughout the incursions, the civilian populations of the cities suffered severe hardships, compounded in some places by the extensive fighting that occurred during the operation. As was the case with the first wave of incursions from 27 February to 14 March described above, during Operation Defensive Shield, in many instances, IDF made use of heavy weaponry in Palestinian civilian areas.

25. In each of these incursions, the Israeli Defence Forces arrested Palestinians who they believed were involved in armed actions against Israel, including suicide bombings and other terrorist attacks against Israeli civilians. IDF also, in most of these incursions, destroyed infrastructure they believed to be part of the operating capacity of militant groups, as well as the infrastructure of the Palestinian Authority security services. In addition, widespread damage was caused to

the civilian capacity of the Palestinian Authority and to private property.

26. It was not only the Palestinian people whose movement was restricted during Operation Defensive Shield. In many instances, humanitarian workers were not able to reach people in need to assess conditions and deliver necessary assistance because of the sealing of cities, refugee camps and villages during the operation. There were also cases of Israeli forces not respecting the neutrality of medical and humanitarian workers and attacking ambulances.

27. The Government of Israel has asserted that ambulances were used to transport Palestinian combatants and weapons; and that the Israeli Defence Forces have in many instances acted to prevent that misuse. It has also stated that IDF policy is to allow free passage in cases of humanitarian need, and that Israeli forces continuously provided food and medical assistance to the Palestinian population.

28. As a result of the severe restrictions on movement, human rights workers and journalists were unable to observe the conduct of the parties and provide independent reporting on that conduct. Some journalists reported being fired at by members of IDF.

29. There were numerous reports of IDF compelling Palestinian civilians to accompany them during house searches, check suspicious subjects, stand in the line of fire from militants and in other ways protect soldiers from danger. Witnesses claim that this was done in the Jenin camp and other Palestinian cities. While IDF soldiers have acknowledged in press reports that they forced Palestinians to knock on doors for house searches, they deny the deliberate use of civilians as human shields. The Government of Israel has denied that its military personnel systematically engage in this practice. In response to a petition filed on 5 May by five Israeli, Palestinian and international human rights organizations, the State Attorney's Office of the Government of Israel informed the High Court of Justice of Israel that "in light of the various complaints received ... and so as to avoid all doubt, the [IDF] has decided to immediately issue an unequivocal order ... that forces in the field are absolutely forbidden to use civilians as a means of 'living shield'".

30. According to local human rights groups, more than 8,500 Palestinians were arrested between 27 February and 20 May. Reportedly, most of the 2,500 Palestinians arrested during the first wave of incursions

in February and March were released within a week, whereas many of the more than 6,000 Palestinians arrested during Operation Defensive Shield after 29 March were held for longer periods without any outside contact. On 5 April, the Commander of the Israeli Defence Forces in the West Bank issued Military Order 1500, which gave soldiers the authority to hold detainees for a period of up to 18 days without access to a lawyer, family members or judicial review. This type of detention can be extended by a military judge for up to 90 days. The order was retroactive to 29 March and was valid for 60 days. By 6 May an alleged 7,000 Palestinians had been arrested under Operation Defensive Shield, of whom 1,500 were still in detention. In many instances during the operation, IDF followed a pattern of using loudspeakers to summon males between 15 and 45. According to human rights reports, significant numbers of the men arrested were blindfolded and handcuffed, not allowed to use a lavatory, and deprived of food or blankets during their first day in detention.

31. In addition to Military Order 1500, the Government of Israel has access to a procedure of administrative detention under which detainees can be held without charge or trial, and which can be renewed indefinitely. The Israeli Defence Forces and the State Attorney have told Amnesty International that from 450 to 990 people were in administrative detention as of May 2002.

32. Of particular concern is the use, by combatants on both sides, of violence that placed civilians in harm's way. Much of the fighting during Operation Defensive Shield occurred in areas heavily populated by civilians, in large part because the armed Palestinian groups sought by IDF placed their combatants and installations among civilians. Palestinian groups are alleged to have widely booby-trapped civilian homes, acts targeted at IDF personnel but also putting civilians in danger. IDF is reported to have used bulldozers, tank shelling and rocket firing, at times from helicopters, in populated areas.

33. Operation Defensive Shield resulted in the widespread destruction of Palestinian private and public property. Nablus was especially hard hit, especially in its old city, which contained many buildings of cultural, religious and historic significance. Much of the destruction appears to have occurred in the fighting as a result of the use by IDF of tanks, helicopter gunships and bulldozers. United

Nations agencies and other international agencies, when allowed into Ramallah and other Palestinian cities, documented extensive physical damage to Palestinian Authority civilian property. That damage included the destruction of office equipment, such as computers and photocopying machines, that did not appear to be related to military objectives. While denying that such destruction was systematic, the Israeli Defence Forces have admitted that their personnel engaged in some acts of vandalism, and are carrying out some related prosecutions.

34. The Government of Israel justified each of the incursions as being necessary to destroy the infrastructure of Palestinian militant groups that had carried out attacks on Israel with increasing frequency in February and March 2002. In each case, Israel has published information about its assessment of the infrastructure of militant groups. More details regarding such information are included in the sections of the report that describe events in specific Palestinian cities.

35. Closures of cities, villages and refugee camps and curfews exacted a substantial humanitarian price from the civilian populations in the affected areas. That burden was exacerbated in most cities occupied during Operation Defensive Shield by significant periods of time during which utilities (electricity, water and telephone) were cut or severely curtailed. After an initial period of round-the-clock curfews without any relief, the Israeli Defence Forces instituted a periodic lifting. The closures and curfews posed particular problems for those with chronic medical problems, who were unable to obtain care and medications. After the lifting of the closures, when they were able to assess the condition of the affected populations, humanitarian agencies reported shortages of food and other basic supplies among Palestinians affected by the incursions. In addition to these humanitarian consequences of the closures and curfews, the restrictions had a devastating economic impact, virtually shutting down the economy of the Palestinian Authority by impeding normal business activity and preventing Palestinians from going to work.

36. Terrorist attacks against Israeli civilians continued in the aftermath of Operation Defensive Shield, and most Palestinian cities endured further incursions after the end of the operation up to the end of the period under consideration in this report.

E. Overall effects of the incursions on the Palestinian population

37. According to a report prepared by United Nations agencies in the Occupied Palestinian Territory, the humanitarian and development effects of the two waves of incursions were as follows:

(a) A total of 497 Palestinians were killed in the course of the IDF reoccupation of Palestinian area A from 1 March to 7 May 2002 and in the immediate aftermath;

(b) Palestinian health authorities and the Palestinian Red Crescent Society reported approximately 1,447 wounded with some 538 live-ammunition injuries (for the same period);

(c) Round-the-clock curfews were imposed in cities, refugee camps, towns and villages affecting an estimated 1 million persons; over 600,000 of them remained under a one-week curfew, while 220,000 urban residents lived under curfew regimes for a longer duration and without vital supplies and access to first aid;

(d) Severe internal and external closures continue to paralyse normal economic activity, and movement of persons and goods throughout the West Bank; in the Gaza Strip, the unprecedented 38-day-long internal closures divided the Strip into three intermittently isolated areas;

(e) Protracted curfews, compounded by severe restrictions on commercial circulation of supplies, rendered the food security situation in the Occupied Palestinian Territory precarious: over 630,000 persons or roughly 20 per cent of the resident population were considered food security vulnerable;

(f) Food deficit was increasingly observed in various regions of the Occupied Palestinian Territory, the Gaza food market being particularly distorted. Restrictions on food imports resulted in a mild increase in the overall food price level in the West Bank and in a considerable rise (up to 25-30%) of prices for staple commodities in the Gaza Strip;

(g) Over 2,800 refugee housing units were damaged and 878 homes were demolished or destroyed during the reporting period, leaving more than 17,000 people homeless or in need of shelter rehabilitation;

(h) Non-refugee housing in Nablus, Ramallah, Bethlehem, Jenin town and Tulkarm and a number of surrounding villages sustained damage ranging from minor to structural;

(i) Students in eight West Bank districts were prevented from attending school. It is estimated that, during the reporting period, some 11,000 classes were missed and 55,000 teaching sessions were lost;

(j) Fifty Palestinian schools were damaged by Israeli military action, of which 11 were totally destroyed, 9 were vandalized, 15 used as military outposts and another 15 as mass arrest and detention centres.

38. Even before the recent military operation, economic and social conditions in the West Bank and Gaza were in a state of crisis. According to an assessment by the Office of the United Nations Special Coordinator, the 18 months of confrontations and restrictions on movement prior to March and April had witnessed a more than 20 per cent reduction in domestic production levels, unprecedented levels of unemployment, a 30 per cent decline in per capita income and a more than doubling of the poverty rate, to some 45 per cent of the Palestinian population.

39. While it is difficult to ascertain with precision the magnitude of the socio-economic effects of the incursions, available preliminary information indicates a sharp intensification of the hardships faced by the population. That information suggests that the principal economic result has been a near-complete cessation of all productive activity in the main West Bank centres of manufacturing, construction, commerce and private and public services. Activities in those centres account for at least 75 per cent of the value of goods and services produced in the West Bank. The production stoppage has imposed immediate income losses on employees and owners of businesses, as well as losses in tax revenues for the Palestinian Authority. In addition, suppliers and buyers in the urban areas directly affected have close economic links to rural areas; the isolation of the former has significant negative effects on the latter. This is also true of the relationship between businesses in East Jerusalem and the West Bank.

40. In addition to the inability of households to access medical, educational or other services during Operation Defensive Shield, people have been separated from their means of income. This has

resulted in lost opportunities to earn income, further compressing household income and savings and exacerbating the severe decline in living levels of the last 18 months. As a result, the West Bank will witness even higher levels of poverty in the short- to medium-term.

41. According to the World Bank, reconstruction costs for physical and institutional damage to Palestinian Authority civilian infrastructure resulting from the incursions in the West Bank in March and April 2002 would total US\$ 361 million.

42. While the United Nations does not have a mandate to monitor and report on conditions in Israel, as it does in the Occupied Palestinian Territory, it is apparent that the violence, specifically terrorist attacks, has caused enormous suffering for the Israeli people and the country's economy.

F. Recent events in Jenin

Introduction

43. In the early hours of 3 April 2002, as part of Operation Defensive Shield, the Israeli Defence Forces entered the city of Jenin and the refugee camp adjacent to it, declared them a closed military area, prevented all access, and imposed a round-the-clock curfew. By the time of the IDF withdrawal and the lifting of the curfew on 18 April, at least 52 Palestinians, of whom up to half may have been civilians, and 23 Israeli soldiers were dead. Many more were injured. Approximately 150 buildings had been destroyed and many others were rendered structurally unsound. Four hundred and fifty families were rendered homeless. The cost of the destruction of property is estimated at approximately \$27 million.

Jenin refugee camp before 3 April 2002

44. On the eve of Israel's military incursion in April, the Jenin refugee camp, established in 1953, was home to roughly 14,000 Palestinians, of whom approximately 47 per cent were either under 15 or over 65 years of age. It was the second largest refugee camp in the West Bank in population and was densely populated, occupying a surface area of approximately 373 dunums (one square kilometre). The Jenin refugee camp came under full Palestinian civil and security control in 1995. It is in close proximity to Israeli settlements and is near the "green line".

45. According to both Palestinian and Israeli observers, the Jenin camp had, by April 2002, some 200 armed men from the Al-Aqsa Martyrs Brigades, Tanzim, Palestinian Islamic Jihad and Hamas who operated from the camp. The Government of Israel has charged that, from October 2000 to April 2002, 28 suicide attacks were planned and launched from the Jenin camp.

46. The Government of Israel has published information regarding infrastructure within the Jenin camp for the carrying out of attacks. The Israeli Defence Forces point to their discovery in the camp of arms caches and explosive laboratories and the numbers of Palestinian militants killed or arrested there during Operation Defensive Shield. They cite posters glorifying suicide bombers and documents describing Jenin as a “martyr’s capital” reportedly found by Israeli soldiers in the camp during the incursion.

47. The Government of Israel and IDF have acknowledged that their soldiers were unprepared for the level of resistance they encountered in Jenin camp, noting that it was “probably the most bitter and harsh” that they had faced. The IDF soldiers who took part in the operation were, for the most part, reservists who had been mobilized only on or after 17 March. Many were called up only after the Passover bombing in Netanya (27 March).

Israeli Defence Force incursion into Jenin city and refugee camp, 3-18 April 2002

48. Although available first-hand accounts are partial, difficult to authenticate and often anonymous, it is possible, through Government of Israel, Palestinian Authority, United Nations and other international sources, to create a rough chronology of events within the Jenin camp from 3 to 18 April 2002. The fighting lasted approximately 10 days and was characterized by two distinct phases: the first phase began on 3 April and ended on 9 April, while the second phase lasted during 10 and 11 April. Most of the deaths on both sides occurred in the first phase but it would appear that much of the physical damage was done in the second.

49. There are allegations by the Palestinian Authority and human rights organizations that in the conduct of their operations in the refugee camp the Israeli Defence Forces engaged in unlawful killings, the use of human shields, disproportionate use of force, arbitrary arrests

and torture and denial of medical treatment and access. IDF soldiers who participated in the Jenin incursion point to breaches of international humanitarian law on the part of Palestinian combatants within the camp, including basing themselves in a densely populated civilian area and the use of children to transport and possibly lay booby traps.

50. In the account of the Government of Israel of the operation, IDF first surrounded and established control of access into and out of the city of Jenin, allowing its inhabitants to depart voluntarily. Approximately 11,000 did so. According to Israeli sources, in their incursion into the camp IDF relied primarily on infantry rather than airpower and artillery in an effort to minimize civilian casualties, but other accounts of the battle suggest that as many as 60 tanks may have been used even in the first days. Interviews with witnesses conducted by human rights organizations suggest that tanks, helicopters and ground troops using small arms predominated in the first two days, after which armoured bulldozers were used to demolish houses and other structures so as to widen alleys in the camp.

51. Using loudspeakers, IDF urged civilians in Arabic to evacuate the camp. Some reports, including of interviews with IDF soldiers, suggest that those warnings were not adequate and were ignored by many residents. Many of the inhabitants of the Jenin camp fled the camp before or at the beginning of the IDF incursion. Others left after 9 April. Estimates vary on how many civilians remained in the camp throughout but there may have been as many as 4,000.

52. As described by the Government of Israel, “a heavy battle took place in Jenin, during which IDF soldiers were forced to fight among booby-trapped houses and bomb fields throughout the camp, which were prepared in advance as a booby-trapped battlefield”. The Palestinian Authority acknowledges that “a number of Palestinian fighters resisted the Israeli military assault and were armed only with rifles and ... crude explosives”. An IDF spokesman offered a slightly different portrayal of the resistance, stating that the soldiers had faced “more than a thousand explosive charges, live explosive charges and some more sophisticated ones, ... hundreds of hand grenades ... [and] hundreds of gunmen”. Human rights reports support the assertions that some buildings had been booby-trapped by the Palestinian combatants.

53. That the Israeli Defence Forces encountered heavy Palestinian resistance is not in question. Nor is the fact that Palestinian militants in the camp, as elsewhere, adopted methods which constitute breaches of international law that have been and continue to be condemned by the United Nations. Clarity and certainty remain elusive, however, on the policy and facts of the IDF response to that resistance. The Government of Israel maintains that IDF “clearly took all possible measures not to hurt civilian life” but were confronted with “armed terrorists who purposely concealed themselves among the civilian population”. However, some human rights groups and Palestinian eyewitnesses assert that IDF soldiers did not take all possible measures to avoid hurting civilians, and even used some as human shields.

54. As IDF penetrated the camp, the Palestinian militants reportedly moved further into its centre. The heaviest fighting reportedly occurred between 5 and 9 April, resulting in the largest death tolls on both sides. There are reports that during this period IDF increased missile strikes from helicopters and the use of bulldozers — including their use to demolish homes and allegedly bury beneath them those who refused to surrender — and engaged in “indiscriminate” firing. IDF lost 14 soldiers, 13 in a single engagement on 9 April. IDF incurred no further fatalities in Jenin after 9 April.

55. Press reports from the days in question and subsequent interviews by representatives of non-governmental organizations with camp residents suggest that an average of five Palestinians per day died in the first three days of the incursion and that there was a sharp increase in deaths on 6 April.

56. Fifty-two Palestinian deaths had been confirmed by the hospital in Jenin by the end of May 2002. IDF also place the death toll at approximately 52. A senior Palestinian Authority official alleged in mid-April that some 500 were killed, a figure that has not been substantiated in the light of the evidence that has emerged.

57. It is impossible to determine with precision how many civilians were among the Palestinian dead. The Government of Israel estimated during the incursion that there were “only dozens killed in Jenin ... and the vast majority of them bore arms and fired upon [IDF] forces”. Israeli officials informed United Nations personnel that they believed that, of the 52 dead, 38

were armed men and 14 were civilians. The Palestinian Authority has acknowledged that combatants were among the dead, and has named some of them, but has placed no precise estimates on the breakdown. Human rights organizations put the civilian toll closer to 20 — Human Rights Watch documented 22 civilians among the 52 dead, while Physicians for Human Rights noted that “children under the age of 15 years, women and men over the age of 50 years accounted for nearly 38 per cent of all reported fatalities”.

58. The Israeli Defence Forces stated at the time that their methods might not change, “because the basic assumption is that we are operating in a civilian neighbourhood”. Other accounts of the battle suggest that the nature of the military operation in Jenin refugee camp did alter after 9 April 2002. On that day, in what both the Palestinian Authority and the Government of Israel describe as a “well-planned ambush” 13 IDF soldiers were killed and a number of others wounded. A fourteenth soldier died elsewhere in the camp that day, bringing the IDF death toll during the operation in Jenin to 23.

59. Following the ambush, IDF appeared to have shifted tactics from house-to-house searches and destruction of the homes of known militants to wider bombardment with tanks and missiles. IDF also used armoured bulldozers, supported by tanks, to demolish portions of the camp. The Government of Israel maintains that “IDF forces only destroyed structures after calling a number of times for inhabitants to leave buildings, and from which the shooting did not cease”. Witness testimonies and human rights investigations allege that the destruction was both disproportionate and indiscriminate, some houses coming under attack from the bulldozers before their inhabitants had the opportunity to evacuate. The Palestinian Authority maintains that IDF “had complete and detailed knowledge of what was happening in the camp through the use of drones and cameras attached to balloons ... [and] none of the atrocities committed were unintentional”.

60. Human rights and humanitarian organizations have questioned whether this change in tactics was proportionate to the military objective and in accordance with humanitarian and human rights law. The Palestinian Authority account of the battle alleges the use of “helicopter gunships to fire TOW missiles against such a densely populated area ... anti-aircraft guns, able to fire 3,000 rounds a minute ... scores of

tanks and armoured vehicles equipped with machine guns ... [and] bulldozers to raze homes and to burrow wide lanes". Other sources point to an extensive use of armoured bulldozers and helicopter gunships on 9 and 10 April, possibly even after the fighting had begun to subside. During this stage, much of the physical damage was done, particularly in the central Hawashin district of the camp, which was effectively levelled. Many civilian dwellings were completely destroyed and many more were severely damaged. Several UNRWA facilities in the camp, including its health centre and sanitation office, were badly damaged.

61. Within two days after 9 April, IDF brought the camp under control and defeated the remaining armed elements. On 11 April, the last Palestinian militants in Jenin camp surrendered to IDF, having requested mediation by B'Tselem, an Israeli human rights organization that operates in the Occupied Palestinian Territory, to ensure that no harm would come to them. According to Palestinian Authority sources, those surrendering included wanted Islamic Jihad and Fatah leaders; others were three injured people and a 13-year-old boy.

Conclusion and aftermath of the IDF incursion, 11 April-7 May 2002

62. As the IDF incursion into Jenin wound down, a range of humanitarian problems arose or worsened for the estimated 4,000 Palestinian civilians remaining in the camp. Primary among these was the prolonged delay in obtaining medical attention for the wounded and sick within the camp. As the fighting began to subside, ambulances and medical personnel were prevented by IDF from reaching the wounded within the camp, despite repeated requests to IDF to facilitate access for ambulances and humanitarian delegates, including those of the United Nations. From 11 to 15 April, United Nations and other humanitarian agencies petitioned and negotiated for access to the camp with IDF and made many attempts to send in convoys, to no avail. At IDF headquarters on 12 April, United Nations officials were told that United Nations humanitarian staff would be given access to the affected population. However, such access did not materialize on the ground, and several more days of negotiations with senior IDF officials and personnel of the Israeli Ministry of Defence did not produce the necessary access despite assurances to the contrary. On 18 April, senior United Nations officials criticized Israel for its

handling of humanitarian access in the aftermath of the battle and, in particular, its refusal to facilitate full and safe access to the affected populations in violation of its obligations under international humanitarian law.

63. UNRWA mounted a large operation to deliver food and medical supplies to needy refugees who had fled the camp and to Jenin hospital but was not allowed to enter the camp. The humanitarian crisis was exacerbated by the fact that, on the first day of the offensive, electricity in both the city and the camp were cut by IDF. Electric power was not restored until 21 April.

64. Many of the reports of human rights groups contain accounts of wounded civilians waiting days to reach medical assistance, and being refused medical treatment by IDF soldiers. In some cases, people died as a result of these delays. In addition to those wounded in the fighting, there were civilian inhabitants of the camp and the city who endured medication shortages and delays in medical treatment for pre-existing conditions. For example, it was reported on 4 April that there were 28 kidney patients in Jenin who could not reach the hospital for dialysis treatment.

65. The functioning of Jenin Hospital, just outside the camp, appears to have been severely undermined by IDF actions, despite IDF statements that "nothing was done to the hospital". The hospital's supplies of power, water, oxygen and blood were badly affected by the fighting and consequent cuts in services. On 4 April, IDF ordered the Palestinian Red Crescent Society (PRCS) to stop its operations and sealed off the hospital. Hospital staff contend that shells and gunfire severely damaged equipment on the top floor and that at least two patients died because of damage to the oxygen supplies. None of the Palestinians within the hospital was permitted to leave until 15 April.

66. It appears that, in addition to the denial of aid, IDF in some instances targeted medical personnel. Before the Jenin incursion, on 4 March, the head of the PRCS Emergency Medical Service in Jenin was killed by a shell fired from an Israeli tank while he was travelling in a clearly marked ambulance. On 7 March, a staff member of UNRWA was killed when several bullets were fired by Israeli soldiers at an UNRWA ambulance in which he was riding near Tulkarm in the West Bank. On 3 April, a uniformed Palestinian nurse was reportedly shot by IDF soldiers within Jenin camp

and on 8 April an UNRWA ambulance was fired upon as it tried to reach a wounded man in Jenin.

67. The Government of Israel repeatedly charged that medical vehicles were used to transport terrorists and that medical premises were used to provide shelter. This, according to Israel, necessitated the strict restrictions on humanitarian access. Furthermore, in the specific case of Jenin camp, IDF spokesmen attributed denials of access to the clearance of booby traps after the fighting had subsided. The IDF spokesman also maintained that the "Palestinians actually refused our offers to assist them with humanitarian aid" and that "everyone who needed help, got help". There is a consensus among humanitarian personnel who were present on the ground that the delays endangered the lives of many wounded and ill within. United Nations and other humanitarian personnel offered to comply fully with IDF security checks on entering and leaving the camp, but were not able to enter the camp on this basis. Furthermore, United Nations staff reported that IDF had granted some Israeli journalists escorted access to the camp on 14 April, before humanitarian personnel were allowed in. United Nations personnel requested similar escorted access to assess the humanitarian condition of people in the camp, but were unsuccessful, despite assurances from senior IDF officials that such access would be possible.

68. On 15 April, 12 days after the start of the military operation, IDF granted humanitarian agencies access to the Jenin refugee camp. The Palestine Red Crescent Society and the International Committee of the Red Cross were permitted to enter the camp under military escort but reported that their movement was strictly confined to certain areas and further constrained by the presence of large quantities of unexploded ordnance including booby traps. After evacuating only seven bodies, they aborted their efforts. A United Nations team including two trucks with water and supplies was forbidden from unloading its supplies and was also forced to withdraw. Supplies were distributed to the camp inhabitants only beginning the following day, 16 April. Acute food and water shortages were evident and humanitarian personnel began calls for specialized search-and-rescue efforts to extract the wounded and the dead from the rubble.

69. Once IDF granted full access to the camp on 15 April, unexploded ordnance impeded the safe operations of humanitarian personnel. Non-United Nations humanitarian agencies reported that large

amounts of unexploded ordnance, explosives laid by Palestinian combatants as well as IDF ordnance, slowed their work. Negotiations carried out by United Nations and international agencies with IDF to allow appropriate equipment and personnel into the camp to remove the unexploded ordnance continued for several weeks, during which time at least two Palestinians were accidentally killed in explosions.

G. Recent events in other Palestinian cities

70. Brief descriptions of recent events in Ramallah, Bethlehem and Nablus follow.

Ramallah

71. Ramallah was the first city occupied by the Israeli Defence Forces in Operation Defensive Shield. IDF entered on 29 March and withdrew from most of Ramallah on 20 April and the remaining sections of the city on 30 April. While many of the features of the incursion were common to incursions in other cities — a curfew, the severing of telephone, water and electricity services to most of the city, the prevention of the delivery of humanitarian assistance, and detentions — the status of Ramallah as the administrative centre for the Palestinian Authority appeared to be a factor in the actions of IDF.

72. The Government of Israel avers that Ramallah has played a central role in terrorist attacks against Israeli civilians because of the presence there of the headquarters of a number of Palestinian security forces (the National Security Force, Preventive Security, Civil Police and Force-17) and the cooperation between those security forces and militant groups. According to IDF, militant groups both collaborate with the security forces and enjoy their protection. The Government of Israel contends that Fatah, which is headquartered in Ramallah and shares personnel with Palestinian Authority security forces, is a terrorist organization. It asserts that the Popular Front for the Liberation of Palestine also uses Ramallah as its base of operation and that Hamas uses Ramallah as a "relay station" for suicide attacks. The Palestinian Authority denies any involvement of its security forces in terrorist attacks.

73. During the course of the military operation in Ramallah, Palestinian Authority civil institutions suffered extensive damage. Reports of human rights

monitoring groups contend that those institutions were specifically targeted by IDF, and the World Bank stated in a report that the offices of 21 ministries and agencies were entered and ransacked to varying degrees. According to the Palestinian Authority, IDF entry into the Authority offices appeared to be focused on information-gathering. They cite the common removal of computer servers, hard disc drives, computers and paper records as indicative of this goal. The World Bank states that the destruction was focused on office equipment, computers and data storage facilities; it estimates replacement and repair costs for Palestinian Authority office interiors at \$8 million. In addition, the Authority asserts that IDF made efforts to disrupt the ministries' capacity to function effectively, pointing to what they believe was the systematic destruction of office and communication equipment and removal or destruction of records and data from ministries. Records from the Education, Health and Finance Ministries and the Central Bureau of Statistics were removed during the operation and, as at 7 May, had not been returned. The Palestinian Authority and non-governmental organizations cite cases of vandalism and theft of private property. IDF also caused heavy destruction at the compound of Chairman Arafat. The Government of Israel has denied that IDF personnel engaged in systematic destruction, vandalism and theft during Operation Defensive Shield.

Bethlehem

74. On 2 April, IDF entered Bethlehem using tanks and armoured personnel carriers. Exchanges of fire occurred around the city on 2 and 3 April. IDF assert that Palestinian militants fired on Israeli soldiers from churches, while the Palestinian Authority says that IDF attacked civilians and clerics on church premises. On 4 April, according to IDF, Palestinian militants took over the Church of the Nativity. The Palestinian Authority contends that on 3 April 150 people, including women and children, sought refuge in the Church. Israeli forces surrounded the Church of the Nativity and for 37 days a stand-off ensued. Israeli forces withdrew from the city on 10 May, three weeks after the formal end of Operation Defensive Shield, after the conclusion of protracted negotiations over the fate of Palestinian militants who had sought refuge in the Church of the Nativity.

75. The Israeli Defence Forces assert that Bethlehem had been a base for operations of the Al Aqsa Martyrs

Brigades, Hamas, Palestinian Islamic Jihad and the Popular Front for the Liberation of Palestine. According to IDF, five attacks on Israelis emanated from Bethlehem from 18 February to 9 March 2002, which resulted in the deaths of 24 people and dozens wounded. IDF say that the Al Aqsa Martyrs Brigades claimed responsibility for four of those attacks.

76. A curfew was imposed on Bethlehem and its surrounding villages from 2 April, and from the start of the incursion IDF declared Bethlehem a closed military area. From 2 April to 10 May, the Israeli forces lifted the curfew in parts of the greater Bethlehem area approximately every three days for periods of two to four hours. According to an Israeli human rights organization, in some of Bethlehem's nearby villages it became difficult to obtain medical care during the brief liftings of the curfew because of the need for residents to travel to Bethlehem or other larger towns to visit hospitals or clinics. As a result, pregnant women were unable to get prenatal care and people with chronic medical problems were unable to replenish medications or receive care. One village, al-Walaja, remained under round-the-clock curfew from 2 April to 10 May.

Nablus

77. The IDF incursion into Nablus began on 3 April 2002 and ended on 21 April. Heavy fighting reportedly occurred in various parts of the city, the most intense combat happening in the old city. Most accounts estimate that between 70 and 80 Palestinians, including approximately 50 civilians, were killed in Nablus during the operation. IDF lost four soldiers during the incursion. Of all the Palestinian cities entered during Operation Defensive Shield, Nablus appears to be the one that suffered the most extensive physical damage to property. This is in part because of the substantial damage to the old city, some of which had been restored with the help of UNESCO. According to the World Bank, the reconstruction costs for Nablus alone account for approximately \$114 million, more than one third of the total reconstruction cost for all of the cities affected by Operation Defensive Shield.

78. After encircling Nablus on 3 April, IDF entered the city using helicopter gunships, tanks, armoured personnel carriers and ground troops. From 6 to 11 April the most intense fighting occurred in the warren of narrow streets in the old city, where armoured bulldozers were put to use destroying buildings to clear a path for the entry of tanks. By 11 April, most of the

fighting had ended. IDF imposed a curfew on 3 April and completely lifted it on 22 April. The first temporary lifting occurred on 10 April for one hour, and thereafter IDF lifted the curfew for two to three hours approximately every two days.

79. The Israeli Defence Forces have alleged that Nablus is a centre for the planning and organization of terrorist attacks on Israel and say that groups in the city directed the work of militant groups in the northern part of the West Bank. IDF hold those groups responsible for 19 attacks in 2002, which resulted in 24 deaths and 313 people injured. According to IDF, the various militant groups operated cooperatively, with Palestinian Islamic Jihad planning attacks, Hamas preparing explosives and Fatah/Tanzim providing suicide bombers.

80. As a result of Operation Defensive Shield and the earlier incursions, IDF assert that 18 explosives laboratories, seven Qassam rocket laboratories, 10 explosive belts, and hundreds of kilos of explosives were found in the old city of Nablus and the nearby Balata refugee camp. They say they found tunnels for hiding and smuggling arms under the old city and discovered arms caches in the homes of the mayor of Nablus and the city's police commander.

81. Humanitarian and human rights groups report that the population of Nablus was particularly affected by the extent of the fighting as well as by the curfew. Substantial portions of the city suffered from water, electricity and telephone cuts throughout the operation. There are also reports of Israeli forces severely hampering the movement of medical personnel and ambulances. The substantial destruction in Nablus included houses, numerous other buildings and religious and historical sites. According to local Palestinian Authority officials, 64 buildings in the old city, including 22 residential buildings, were badly damaged or destroyed and up to 221 buildings suffered partial damage.

H. Observations

82. As I wrote on 3 May 2002 to the President of the Security Council, I share the assessment of President Ahtisaari and his fact-finding team that a full and comprehensive report on recent events in Jenin, as well as in other Palestinian cities, could not be made without the full cooperation of both parties and a visit

to the area. I would, therefore, not wish to go beyond the very limited findings of fact which are set out in the body of the text. I am nevertheless confident that the picture painted in this report is a fair representation of a complex reality.

83. The events described in this report, the continuing deterioration of the situation and the ongoing cycle of violence in my view demonstrate the urgent need for the parties to resume a process that would lead back to the negotiating table. There is very wide support in the international community for a solution in which two States, Israel and Palestine, live side-by-side within secure and recognized borders, as called for by the Security Council in resolution 1397 (2002). I believe that the international community has a compelling responsibility to intensify its efforts to find a peaceful and durable solution to the Israeli-Palestinian conflict, as a key element in the search for a just, lasting and comprehensive settlement in the Middle East based on Security Council resolutions 242 (1967) and 338 (1973).

Annex I

Letter dated 3 June 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

Enclosed please find the Palestinian report on the recent events that took place in Jenin and in other Palestinian cities. For practical reasons, the annexes to the report have been submitted to the United Nations Special Coordinator's Office. This report is being submitted with the intention of assisting you in preparing your report, requested in paragraph 6 of General Assembly resolution ES-10/10, adopted on 7 May 2002 by the General Assembly at its resumed tenth emergency special session. It is also being submitted in response to the letter addressed to me by the Under-Secretary-General for Political Affairs, which requested that the Palestinian Authority provide any information relevant to the implementation of that resolution.

The Palestinian report is composed of the following sections:*

Section I. Main submission

Section II. Support documents

1. Letters from the Permanent Observer Mission of Palestine to the United Nations to the Secretary-General, the President of the Security Council and the President of the General Assembly (see documents of the tenth emergency special session)
2. Israeli position on the fact-finding committee on the Jenin refugee camp/names of some Israeli persons who might be implicated in the atrocities committed against the Palestinian people
3. Chronology of events from 29 March to 15 May 2002 (prepared by the Palestinian Academic Society for the Study of International Affairs)
4. Summary/indicative information on the annexes
5. List of annexes

Section III. Annexes

1. Palestinian Authority reports
2. International non-governmental humanitarian and human rights organizations
3. Israeli human rights organizations
4. Palestinian non-governmental organizations and institutions (humanitarian and human rights organizations)
5. United Nations related reports

* Only section I is reproduced in the present document.

6. World Bank
7. Local Aid Coordination Committee/Donor Support Group
8. Media
9. Video tape (22 minutes from local and international media archives)
10. Photographs (150 photographs)

We trust that your report will be accurate and comprehensive. We also believe that it is necessary for the report to contain specific conclusions and recommendations to Member States and relevant organs of the United Nations. The international community must be enabled to know the facts of what occurred and to respond to them so that the atrocities committed by the Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem, are not repeated. This would then open the road for the establishment of real peace in the region.

(Signed) Nasser Al-Kidwa
Ambassador
Permanent Observer of Palestine to the United Nations

Attachment

Palestinian report submitted to the Secretary-General, pursuant to General Assembly resolution ES-10/10 of 7 May 2002, on the recent events in Jenin and in other Palestinian cities

Section One: Main Submission

Introduction

This report on the recent events that occurred in Jenin and in other Palestinian cities in the Occupied Palestinian Territory is being submitted by the Palestinian Authority to the United Nations Secretary-General with the intention of assisting him in preparing the report requested in paragraph 6 of General Assembly resolution A/ES-10/10, adopted on 7 May 2002 by the resumed tenth emergency special session. The report, including this main submission, also addresses Israeli actions prior to 29 March 2002 and some overall longstanding policies and practices of Israel, the occupying Power, as a necessary background for understanding the recent events that occurred in many Palestinian populated centers, including the cities of Ramallah, Bethlehem, Nablus, Tulkarem, Qalqilya, Jenin and Al-Khalil. Earlier, the Palestinian people had hoped that the fact-finding team established by the Secretary-General would, in implementation of Security Council resolution 1405 (2002), be enabled to present a comprehensive report on the events that took place in the Jenin refugee camp. This, regrettably, was not possible due to Israel's refusal to cooperate with the fact-finding team and with the Secretary-General and its rejection of the Council's resolution.

The Palestinian Authority sought to undertake its own investigation into the events of the last two months, to document cases and to provide complete and reliable evidence required to assess the atrocities and serious violations of international humanitarian law that were committed by the Israeli occupying forces. However, Israel's systematic and continuous attacks on Palestinian Ministries and other official bodies and local government institutions, combined with the continuous military siege, have severely obstructed basic functions of government and have effectively prevented the Palestinian Authority from fully undertaking such a comprehensive investigation. In submitting this report, the Palestinian Authority wishes to also draw the attention of the U.N. Secretary-General to the findings presented in the support documents as well as in the annexes of the report, including the video and photographs.

The Palestinian Authority condemns the refusal of the Israeli government, in reversal of its own position, to comply with Security Council resolution 1405 (2002) and its refusal to cooperate with the fact-finding team and with the Secretary-General. In condemning this Israeli position, the Authority joins the worldwide condemnation of such an Israeli position, which impeded efforts to establish the facts in a quick and determined manner. This refusal falls in line with Israel's refusal to comply with relevant Security Council and with its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

Israel, the occupying Power, has persistently rejected the *de jure* applicability of the Fourth Geneva Convention to the Arab territories it occupied in 1967, despite the international consensus affirming the Convention's applicability, including in 26 Security Council resolutions. In addition, it has consistently disregarded the provisions of the Convention and the international humanitarian law principle concerning the protection of the civilian population under occupation. Israel's refusal to accept the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including Jerusalem, has rendered the internal mechanism of the Convention inoperable. Moreover, the High Contracting Parties have failed to adopt measures to ensure compliance by the occupying Power with the provisions of the Convention and have thus failed to ensure respect of the Convention "in all circumstances" in accordance with article 1 common of the four Geneva Conventions.

Consequently, over the last 35 years, the Palestinian population in the Occupied Palestinian Territory, including Jerusalem, has been left without any effective protection against Israel's oppressive policies and measures, including its excessive use of lethal force. The absence of enforcement has fostered an environment in which Israel acts with impunity, disregarding international humanitarian law, international law and the will of the international community.

An important attempt to redress this situation has been the convening of the Conference of High Contracting Parties on Measures to Enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, at Geneva on 15 July 1999, and the resumption of this Conference on 5 December 2001. An extremely important Declaration was adopted by the participating High Contracting Parties at the resumed Conference of 5 December, which, *inter alia*, affirmed that "*the Fourth Geneva Convention has to be respected in all circumstances*". The Declaration specified the legal obligations of the parties to the conflict, of the occupying Power and of the States Parties. Such an important document should provide the basis for further action to ensure respect of the Convention in the Occupied Palestinian Territory, including Jerusalem.

The Palestinian Authority submits this report with the expectation that the U.N. Secretary-General will present a report that is both accurate and comprehensive. It is necessary for the report to contain specific conclusions and recommendations to Member States and relevant organs of the United Nations. The international community must be enabled to know the facts of what occurred and to respond to them so that the atrocities committed by the Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem, are not repeated. This would then open the road for the establishment of real peace in the region, including a final settlement of the Israeli-Palestinian conflict.

We expect the Secretary-General to also help in formulating the response, including cooperative efforts aimed at bringing Israel into compliance with relevant Security Council and with international humanitarian law; establishment of mechanisms to ensure the protection of the Palestinian population; and support of efforts to establish legally required mechanisms to determine accountability for violations of international humanitarian law, in particular war crimes, including the commission of grave breaches of the Fourth Geneva Convention.

Factual and Legal Context

"The Palestinians must be hit and it must be very painful. We must cause them losses, victims, so that they feel the heavy price." Israeli Prime Minister Ariel Sharon, 5 March 2002

An informed understanding of Israel's policies and practices, including the systematic and deliberate violation of the basic rights of the Palestinian population as defined by international humanitarian law and human rights law, is necessary for an accurate understanding and assessment of Israeli actions throughout the last two months. The context in which any assessment must be made is the context of foreign occupation.

The Israeli occupation and the policies and practices executed by the occupying Power have been driven by an overriding and ongoing Israeli goal to actively colonize the Palestinian Territory, including Jerusalem, with a vast and continuously expanding colonial structure manifested in the form of illegal Israeli settlements. The occupying Power, since the beginning of the occupation in 1967, has illegally transferred more than 400,000 Israeli civilians into the Occupied Palestinian Territory, including Jerusalem. It has confiscated Palestinian land, exploited and abused natural resources and created a separate structure of life, including a different system of law, to carry out its illegal settlement campaign, which is the only remaining colonial phenomenon in the world at the beginning of the 21st century.

Israel's 35-year settlement campaign has not been, and could not have been, executed without the forceful dispossession and confinement of the indigenous Palestinian population. Moreover, to gain the full submission of the entire occupied population to Israel's expansionist designs on the Palestinian Territory, Israel has systematically employed countless repressive means, including socioeconomic suffocation, detention, deportation, home demolition, collective punishments, the use of lethal force and, more recently, the use of heavy weaponry reserved for warfare.

Over the past 20 months, Israel, the occupying Power, has waged a bloody military campaign against the Palestinian people and has escalated many of its unlawful policies and practices, routinely violating the provisions of international humanitarian law guaranteeing protection to the Palestinian civilian population, in addition to violating the existing agreements between the two sides. Since the beginning of the Al-Aqsa intifada on 28 September 2000, which began in response to the infamous visit of Mr. Ariel Sharon to Al-Haram Al-Sharif, Israel has been expanding its use of "retaliation" and "deterrence" and intensifying its illegal practices, including willfully killing civilians; using excessive, disproportionate and indiscriminate force; using lethal force against demonstrators, including children throwing stones; imposing military siege and severe restrictions on the movement of persons and goods; imposing collective punishments; targeting of ambulances and medical personnel and obstructing their access to the wounded; and destroying agricultural fields and uprooting of trees. Israeli occupying forces also bombarded and destroyed many institutions of the Palestinian Authority, including police and security installations, and even the Gaza International Airport. These serious violations and breaches of international humanitarian law have caused extensive harm to the Palestinian civilian population, the Palestinian infrastructure and the Palestinian Authority and its institutions.

On 29 March and throughout the period under report, the Israeli occupying forces waged a large-scale military assault against the Palestinian people, unprecedented in its scope and intensity since the start of the Israeli occupation. The Israeli occupying forces invaded and reoccupied most Palestinian populated centers, including cities, villages and refugee camps and practically all areas under Palestinian control in the West Bank. The Israeli occupying forces dramatically increased the indiscriminate use of lethal force, using heavy weaponry, including tanks, helicopter gunships and warplanes, to attack and, in some cases bombard, heavily populated Palestinian areas. A large number of Palestinians, including civilians, were killed, many willfully. The occupying forces also continued the practice of extrajudiciary executions, using snipers, helicopter gunships and sometimes tank fire, killing identified people as well as others. In some cases, extrajudiciary executions were even carried out against surrendered fighters and people in Israeli custody

While the exact number of Palestinians killed is still not final, given the circumstances of the situation on the ground, as of now reports indicate that 375 Palestinians were killed from 29 March to 7 May 2002. Hundreds of Palestinians were also wounded, many suffering permanent disabilities as a result of serious injuries, in addition to suffering psychological and mental trauma, which has been especially prevalent among children.

The Israeli occupying forces also imposed harsh measures of collective punishment against hundreds of thousands of Palestinian civilians, including a widespread military siege and extensive curfews, often lasting for days. Such policies and measures led to a critical shortage of basic necessities, including food and medicines; a situation that was dramatically worsened by the restrictions and, in many cases, complete prevention of emergency ambulances and humanitarian aid from reaching those in need. In several cases, this even included the prevention of the removal and burial of the Palestinian dead. Attacks also targeted some medical installations, including hospitals. Moreover, some areas were declared closed military zones and made completely off-limits to the media. Palestinians were also continuously subjected to humiliation and harassment by the Israeli occupying forces at the numerous roadblocks and checkpoints throughout the Occupied Palestinian Territory. Many Palestinians died after being prevented by the occupying forces at such roadblocks from reaching hospitals or clinics to receive medical care. In addition to the increased number of roadblocks, the Israeli occupying forces also obstructed movement by digging trenches and bulldozing roads as well as erecting barbed wire in many locations.

During the period under examination, the Israeli occupying forces also rounded-up thousands of Palestinian males and approximately 7,000 were detained by Israel in a mass arbitrary detention. Many of the detainees were subjected to ill-treatment and, according to reports, some were tortured. The occupying forces raided and searched innumerable Palestinian homes, humiliated and harassed residents and in many instances looted homes. An even more condemnable practice was the use of Palestinian civilians as human shields while conducting those searches and while carrying out military advances in Palestinian cities, villages and refugee camps.

The Israeli occupying forces also invaded the headquarters of President Yasser Arafat in the city of Ramallah and imposed a strict military siege, while carrying out almost continuous

military actions, -which endangered the safety and well being of the persons inside the headquarters, including the President. The occupying forces also imposed a military siege on the Church of the Nativity, the birthplace of Jesus Christ, in the city of Bethlehem, seeking several Palestinians who took refuge in the Church. During the more than five-week siege, the Israeli occupying forces repeatedly endangered the integrity of the Church and actually caused some destruction, including fire damage, to parts of the Church compound. In addition, the Israeli occupying forces attacked several other churches and mosques in several Palestinian cities, causing damage to them.

The Israeli occupying forces, during the same period of time, also caused broad and extensive destruction to the Palestinian infrastructure in all major Palestinian cities and refugee camps, including to electricity and water networks and to roads. Reports indicate that the occupying forces destroyed and/or damaged about 4,000 structures, including houses and institutions. Some of the structures destroyed by the occupying forces were in historic areas, such as the Old City of Nablus, which suffered extensive damage. The occupying forces destroyed property belonging to several Palestinian Ministries, such as the Ministries of Education and Agricultural, including computers, records and furniture. The occupying forces also destroyed various other Palestinian properties, including 350 vehicles, among them several ambulances.

The World Bank assessed the overall damage incurred during the period under report at US\$361 million, in addition to the assessment of US\$305 million worth of destruction caused by the occupying forces during the preceding 18 months. These estimates of course do not include the much more substantial losses in terms of loss of income suffered by the whole population and the destruction of the nascent Palestinian economy, which is being estimated by the Palestinian side to stand at US\$3 billion for the entire 20 month period.

Then comes the Israeli military assault on the Jenin refugee camp, one square kilometer in which 13,000 Palestine refugees, who were uprooted from the homes and properties in 1948, had been living. The assault began on 3 April and continued for 10 days. The Israeli occupying forces used helicopter gunships to fire TOW missiles against such a densely populated area. The occupying forces also used anti-aircraft guns, able to fire 3,000 rounds a minute. They deployed scores of tanks and armored vehicles equipped with machine guns and used snipers. The occupying forces also used bulldozers to raze homes and to burrow wide lanes throughout the camp, knocking down whole blocks of homes, in many instances while the inhabitants were still inside. The occupying forces intensively used civilians in the camp as human shields while conducting this military assault.

Most of the camp was obliterated and most of its inhabitants were displaced for the second time in their lives. A number of Palestinian fighters resisted the Israeli military assault and were armed only with rifles and, as some reports indicate, crude explosives. The Israeli occupying forces had complete and detailed knowledge of what was happening in the camp through the use of drones and cameras attached to balloons that monitored the situation, indicating complete control of the situation by the commanders and that none of the atrocities committed were unintentional.

The occupying forces, even after the end of the Israeli military actions in the Jenin camp, continued to prevent international humanitarian organizations, including the International Committee of the Red Cross (ICRC) and UNRWA, from entering the camp to treat the wounded and to deliver emergency medicine and food aid, including for children, women and the elderly, for more than 11 days. As a result of all of the above, numerous Palestinians were killed, including some that had been buried under the rubble of bulldozed homes. Some are still missing and many were wounded and seriously traumatized. It is an understatement that the entire population of the Jenin refugee camp experienced horrific suffering throughout and as a result of this Israeli military assault.

Many credible sources have reported about atrocities committed in the camp and about the presence of *prima facie* evidence of war crimes. In addition, it is probable that a massacre and a crime against humanity might have been committed in the Jenin refugee camp - a probability that was enhanced by the statements made at some point by the occupying forces about hundreds of Palestinians being killed in the camp and their reported attempts to move bodies from the camp to what they referred to as the graveyards of the enemy.

The broad Israeli military assault continued in full defiance of Security Council resolution 1402 (2002) of 30 March 2002 and even Security Council resolution 1403 (2002) of 4 April 2002, which demanded the implementation of resolution 1402 (2002) "without delay". Israeli occupying forces only withdrew from the last Palestinian city after 6 weeks from the beginning of the assault and even then maintained a hermetic siege on the cities and maintained the reoccupation of large parts of surrounding areas through a heavy military presence. Since then, the Israeli occupying forces repeatedly raided and reoccupied parts of those cities, at times for days, killing and abducting people and causing further destruction and acting in a way intended to erase the lines defining the Palestinian-controlled areas under existing agreements.

It is apparent that the above-mentioned Israeli atrocities, committed during the period under report, were intended to cause the socioeconomic collapse of the Palestinian society. They aimed to destroy not only the present but also the future of the Palestinian people, including the destruction of the Palestinian Authority. The current Israeli attempts to institutionalize the situation created by the Israeli military assault as the norm, through the creation of several isolated areas and through the reemergence of the civil administration of the Israeli military government, are just further proof in this regard. In fact, the Israeli political aim has clearly been to take us back to a pre-Oslo situation, only under severely devastated living conditions for the Palestinian people.

In sum, the Israeli occupying forces have, without a doubt, committed serious violations of international humanitarian law. Also, without a doubt, war crimes, including grave breaches of the Fourth Geneva Convention, have been committed by Israel, the occupying Power, in several Palestinian cities, including in the Jenin refugee camp. Those war crimes include "willful killing", "inhuman treatment", "unlawful confinement of protected persons" and "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly". These have been committed in addition to countless other grave breaches as defined in Additional Protocol I to the Geneva Conventions. This is clear and

documented. What is now necessary is an accurate assessment of the exact scope of these atrocities.

It is imperative to stress the personal responsibility of the perpetrators of the above-mentioned war crimes at both the political level, which might have given the orders, and, more obviously, the military level, including the commanders and soldiers of the military units that committed those atrocities. In this regard, the personal responsibility of General Shaul Mofaz, the Chief of Staff of the Israeli army, is very clear. The liability of every High Contracting Party to the Fourth Geneva Convention, in accordance with article 148, whether incurred by itself or another in respect of grave breaches of the Convention, must also be stressed.

In addition, many of the above-mentioned Israeli actions constitute State terrorism, as actions aimed at harming and terrorizing a population to serve and advance political ends, and, in this specific case, to force submission of the whole population. Reference must also be made to settler terrorism committed by the many armed and extremist illegal settlers against Palestinian civilians.

Israel, the occupying Power, has tried to justify its actions during the last two months, as well as during the preceding 18 months, as actions against "terrorists", with the aim of destroying the "terrorism infrastructure". It should be pointed out that no argument and no reasoning can justify serious violations and grave breaches of international humanitarian law. Further, the record shows clearly that the nature of the actions taken, the amount of harm inflicted on the population and the practical results prove completely different political goals, as noted above. In this regard, the Israeli occupying forces have consistently targeted the Palestinian police and security forces, instead of "terrorists", and have consistently tried to destroy the Palestinian Authority and declared it an "enemy", instead of groups hostile to peace in the Middle East.

Further, Israel, the occupying Power, cannot, under any circumstances, be allowed to conceal or distort the fact that it exists in the Palestinian Territory, including Jerusalem, as an occupying Power and that the origin of all the problems is the existence of this occupation. This applies to the degree of frustration, despair and hopelessness that has greatly contributed in the creation of suicide bombers.

In this regard, the Palestinian Authority has taken a very clear position against, and has repeatedly condemned, suicide bombings against civilians in Israeli cities. Israeli occupying forces in the Occupied Palestinian Territory and Palestinian reactions to their presence and conduct are a completely different matter under international law however. The Palestinian people have the right to resist occupation and even the duty to defend themselves and to resist Israeli military attacks, a situation to which international humanitarian law is still fully applicable. The policy of the Palestinian Authority remains the pursuit of a peaceful settlement to end the Israeli occupation, to establish the State of Palestine and to achieve peace in the region. That, however, does not change the legal nature of the status of occupation or of any possible Palestinian actions in the Occupied Palestinian Territory, including Jerusalem. In the end, it is the hope that can replace the prevailing frustration and it is political progress and not military action that will create a culture of peace based on a two-state solution.

As of the date of the submission of this report, Israel, the occupying Power, continues to pursue its illegal political objectives as well as the accompanying illegal policies and practices in the Occupied Palestinian Territory, including Jerusalem. As such, the Palestinian people under occupation continue to suffer from Israeli human rights violations, war crimes and State and settler terrorism. The occupying Power continues to act with intransigence and impunity, flouting international humanitarian law and international law and disregarding relevant Security Council resolutions and the will of the international community.

Conclusions and Recommendations

The culture of impunity that exists within both the Israeli political and military echelons is of grave concern to the Palestinian Authority because of the resulting daily humanitarian implications of the incessant illegal Israeli practices being carried out against the Palestinian people in the Occupied Palestinian Territory, including Jerusalem. As noted, it is the on-going failure of the international community to ensure Israeli respect for humanitarian law that has created this dangerous culture of impunity. Moreover, the inaction by States to provide adequate protection for the occupied Palestinian population has placed the burden of protection onto the Palestinian people themselves, seriously undermining the very purpose and indeed integrity of international humanitarian law.

The failure to ensure Israel's compliance with the Fourth Geneva Convention has had, and continues to have, far-reaching, detrimental consequences and implications. Israel's violations and grave breaches of the Convention have not only inflicted severe harm on the Palestinian civilian population but have also resulted in decreased security for both Israeli and Palestinian civilians. The failure to ensure Israeli compliance has also directly and negatively impacted the ability of the Israeli Government and the Palestine Liberation Organization to reach a just, comprehensive and lasting peace.

On the basis of all of the above, the Palestinian Authority wishes to make the following recommendations:

- The Palestinian Authority calls upon the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, Switzerland, in its capacity as depositary of the Convention, and the ICRC to ensure respect of the Convention in accordance with article 1 common of the four Conventions. In this regard, the Palestinian Authority specifically calls upon them, individually and collectively:
 - To intensify their efforts to fully adhere to and implement the Declaration of 5 December 2001 and to take further action based on that Declaration.
 - To consult on and utilize their foreign policy instruments and mechanisms. (For example: Enforcing article 2, human rights clause of the EC-Israel Association Agreement; ensuring the proper application of trade agreement regarding rules of

origin; ensuring that sales of military equipment to Israel not be used against the Palestinian population.)

- To consider mechanisms to enable Palestinian victims of Israeli violations of international humanitarian law to receive compensation as part of alleviating their humanitarian suffering.
- To arrange their cooperative efforts in such a way as to prevent attempts by States to block enforcement of international humanitarian law.
- The Palestinian Authority calls upon the U.N. Secretary-General to encourage the above-mentioned actions by the High Contracting Parties and to encourage actions to ensure that the protection of the civilian population under belligerent occupation is not subject to negotiations between the occupying Power and the occupied population.
- The Palestinian Authority calls upon the U.N. Security Council to fulfill its responsibilities under the Charter of the U.N. for the maintenance of international peace and security, and accordingly calls upon the Council to play an active role and to ensure compliance with its own resolutions.
- The Palestinian Authority calls upon the General Assembly to continue its valuable work in upholding international law and in support of the realization of the rights of the Palestinian people. It specifically calls upon the Assembly to continue, in the case of failure of the Security Council to act, with the valuable work of the tenth emergency special session, in accordance with Uniting for Peace resolution 377 (V) of 1950.
- The Palestinian Authority calls upon the United Nations and the Secretary-General to establish an international presence to monitor compliance with international humanitarian law, to help in providing protection to Palestinian civilians and to help the parties to implement agreements reached. In this regard, the Palestinian Authority calls for serious follow-up of the Secretary-General's proposal for the establishment of a robust and credible multinational force under Chapter 7 of the Charter of the U.N.
- The Palestinian Authority calls for efforts by States on the national level to investigate and prosecute the perpetrators of grave breaches of the Fourth Geneva Convention.
- The Palestinian Authority calls for the establishment of an international criminal tribunal to investigate and prosecute alleged war crimes committed in the Occupied Palestinian Territory, including Jerusalem. It calls for the establishment of such a tribunal by the Security Council or, alternatively, by the General Assembly.

Annex II

Note verbale dated 31 May 2002 from the Permanent Mission of Qatar to the United Nations addressed to the Secretary-General

The Permanent Mission of the State of Qatar to the United Nations presents its compliments to the Secretary-General of the United Nations and, in reference to his note dated 14 May 2002 in which he requested the Government of the State of Qatar to submit information relevant to the implementation of paragraph 6 of resolution ES-10/10 adopted by the General Assembly at its resumed tenth emergency special session on 7 May 2002, has the honour to forward herewith a videotape of Al-Jazeera Channel containing the requested relevant information.

Annex III**Note verbale dated 2 July 2002 from the Permanent Mission of Jordan to the United Nations addressed to the Secretary-General**

The Permanent Representative of the Hashemite Kingdom of Jordan presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the latter's notes verbales dated 14 May and 4 June 2002, regarding relevant information to facilitate the preparation of the report requested under paragraph 6 of General Assembly resolution ES-10/10 of 7 May 2002.

The Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations further has the honour to inform the Secretary-General that the Permanent Mission of the Hashemite Kingdom of Jordan to the United Nations has received pertinent information from Amman relating to the events in Jenin and elsewhere in the occupied Palestinian Territories, which it hopes will be helpful to the Secretary-General. The information is attached to this note verbale.

Attachment

[Original: Arabic]

Direct eyewitness accounts by survivors of the massacre at the Jenin refugee camp

The Israeli army began the siege of the Jenin refugee camp on 3 April 2002 and continued it for 13 days, during which time Israeli tanks, numbering approximately 200, attacked the camp with heavy fire. Apache helicopters and F-16 fighters joined in. The occupying forces cut off the supply of water and electricity in the camp and prevented ambulances, first aid vehicles and medical teams from entering the camp throughout the siege. On 10 April, the Israeli army attacked the camp and began a systematic operation to destroy houses, killing hundreds of young people. Eyewitness accounts have confirmed that the Israeli army carried out summary executions of captured Palestinians.

The present report contains a number of eyewitness accounts by casualties who survived the massacre and close relatives and friends of martyrs, inhabitants of the camp, volunteers who participated in the relief operations and journalists.

Eyewitness accounts by casualties treated in Jordanian hospitals

A mission from the Palestinian affairs service visited a number of casualties who escaped from the Jenin refugee camp and were being treated in Jordanian hospitals. It went to Al-Urdun hospital in Amman on 20 June 2002 and spoke to seven casualties who had seen for themselves what happened in the camp and were there during the siege and the shelling. They gave the following accounts:

Death of a group

Those in the camp are still telling the story of the seven young people who were hiding together in the room of a house where relatives and neighbours had the habit of meeting, the men and young men on one side and the women and children on the other. A mood of fear and apprehensiveness gripped these people, causing some of them to go outside to see what was happening, including one young man who went into the street then returned to the room where the others were gathered. However, an Apache helicopter which was hovering over the camp targeted the spot and fired a missile. The room was blown up and all seven young men were killed. Their bodies remained in the room for more than five days, since they were in the middle of the camp and nobody could reach them. When people were able to go there, the spectacle they encountered was horrible: bodies were dismembered and burnt, and body parts gave off an odour of decay. The victims were unrecognizable. One man said that when he entered the room he stumbled over the leg of a victim and fell in front of him. He tried to identify the body and was able to recognize one of his relatives by the spectacles his relative was wearing. People then began the operation of placing the body parts of each martyr in a separate bag for burial before the arrival of the mothers and sisters, in order to spare them the trauma of seeing the bodies of their loved ones mutilated and in pieces.

The martyr Jaber

The story of Jaber will remain buried in the memories of the inhabitants of the Jenin refugee camp, who are overcome by sadness when the story of his death is told, how he suffered before dying and the distress of the person who tried to save him and, unable to bring him help, stayed with him until he died in his arms. Jaber had been hit by fire from an Apache helicopter. An elderly man pulled him from the street into his house. He tried to find first aid for him but that was not possible because his injuries were so serious and because the ambulance team could not enter the camp. Jaber asked the owner of the house for water but the latter refused to grant his request out of fear for his life, on the ground that giving water to the injured caused a more rapid onset of death. Jaber continued to lose blood for hours and then began to die. The owner of the house placed a towel soaked in water on his lips and recited the shahada until Jaber took his last breath, and then placed a blanket on the body. Then the owner of the house fled with his family, since the Israeli army had already begun to destroy the houses in the camp.

After the withdrawal of the Israeli army, people began the operation of looking for casualties and the bodies of martyrs among the ruins of the houses with the help of simple equipment, such as building and agricultural tools. The search took a long time because there were tons of ruins. After approximately 25 days, when the search arrived at the site where Jaber had died, the owner of the house described how he had died and showed the rescue workers exactly where they would find his body. They found his remains covered with a blanket.

One of the Palestinian Red Cross volunteers thought that the martyr might be her brother, saying that her brother was wearing clothing which matched the tatters found on the body of the martyr. They then asked the owner of the house the name of the martyr, and he gave his name as Jaber Hosni Jaber. The girl was overwhelmed and began to run and howl and tear her garments. The girl was Hala, the sister of Jaber.

The martyrs Abdulkarim Al-Saadi and Jamal Al-Sibagh

The Israeli soldiers killed mercilessly. If they had the least doubt they shot and killed innocent people. This is what happened to Abdulkarim Al-Saadi and Jamal Al-Sibagh. Abdulkarim was approximately 20 years old and worked for the municipality of Jenin. He had been married for four months and his wife was expecting a baby. He suffered from chronic backache. When the Israeli army entered the camp, it assembled young men and men in the streets and squares, and Abdulkarim and his father left the house. The soldiers asked Abdulkarim to undress. When the soldier saw the medical corset around his waist, he thought that Abdulkarim was wearing a belt filled with explosives, and he fired a hail of bullets which went right through him causing his father to be covered in blood. The father in shock fell to the ground next to the body of his son.

The way in which Jamal Al-Sibagh was killed was scarcely different. Jamal was a young man, nearly 40 years old and diabetic. When the Israeli army asked the men and young men to leave the houses in order to be searched and arrested, Jamal was carrying a bag with his medication. When he began to undress on the orders of the soldiers, the zipper in his trousers jammed. He tried to unjam it, but the soldiers thought that he was going to act against them and fired at him. He was killed and his blood spattered a young child of five years who was by his side.

The martyrs Abu Siba and Muhammad Mufid

The inhabitants of the camp all know the story of Abu Siba, an old man of 80 who could not move because of his age. When the Israeli bulldozers and excavators began to destroy the neighbourhood of Hawashin, the soldiers destroyed his house and arrested his children, then began the operation of destroying the house regardless of the fact that Abu Siba was in the house and was unable to leave. Abu Siba died as the house collapsed.

Muhammad Mufid was mentally ill, as was obvious from his ragged appearance and his gait and movements. He spent his time wandering the streets and begging alms from those passing by. Despite his condition, soldiers opened fire on him, even though he represented no threat to them.

Eyewitness accounts

Many newspapers have published interviews with inhabitants of the camp who escaped when the siege was over. Press and television reporters were shocked when they entered the camp and heard accounts from survivors, who provided terrible details about the siege, the shelling and the killings.

The inhabitants of the camp described how the soldiers arrested them in humiliating conditions, obliging them to sleep for days on the ground, handcuffed and in undergarments. Water and bread were distributed to them once a day, and they had to beg in order to be allowed to urinate in an iron pot. The soldiers and the investigators from Shabak, the Israeli General Security Service, manhandled them and finally released the majority of them once they had been cleared of all suspicion.

One of the persons who had fled the massacre in the camp said that the search for bodies was carried out on the basis of citizens' accounts indicating the presence of martyrs in houses or streets which had become piles of ruins. He added that one of the escapees had informed the teams working in the camp that he had found the bodies of four martyrs. He showed them exactly where the spot was, stating that mechanical shovels had destroyed the houses after the death of the martyrs.

Those accounts include the following:

Testimony of Hajj Ahmad Abu Kharj

With his face all in tears, Hajj Ahmad Mohammad Khalil Abu Kharj walked up to his house, which had been bombed by the Zionist air force during the offensive against the camp, guiding rescue teams towards the room where the body of his 65-year-old sister, Yousra Abu Kharj, lay. He was seeing her for the first time since she had been killed on the third day of the attack. He broke down and sobbed when he saw the martyr's body on the ground, torn apart by shrapnel. It was an unbearable sight even for the members of the rescue teams. Mr. Abu Kharj made the following statement: "On the third day of the invasion, we heard a very loud explosion on the top floor of our house (a three-storey house), where my sister was getting her things together and preparing to join the 13 members of my family. They had fled to the ground floor, seeking refuge from the indiscriminate bombing. After the explosion shook the entire building, one of my sons went upstairs to look for my sister, but the endless bombing prevented him from entering the room where she was. Looking through the keyhole, he saw his aunt motionless on the floor, bleeding profusely. We

immediately called for an ambulance and asked the hospital and the Red Crescent to help us, but despite our successive pleas, no one was able to come and help us.”

The Chief of the Red Crescent’s Relief and Emergency Department made the following statement: “The family of Yousra Abu Kharj called us and told us that she was wounded and bleeding profusely. Immediately after that call, one of our emergency teams left for the camp. That is when armoured vehicles from the Israeli army fired on the vehicle carrying our team, preventing it from entering the camp. We then called the International Committee of the Red Cross, which made all the necessary contacts but was unable to ease the situation. As a result, we were not able to reach the Abu Kharj family to do our job.” Unfortunately, that was not the end of it, for Hajj Ahmad, who is over 80, added: “A few hours after the explosion, an Israeli army unit composed of a number of soldiers forced its way into our house, searched us, confined us to one room, arrested four of my sons and took them away to unknown locations, then occupied the house, transforming it into a military barracks and taking up positions on the second floor. I asked the officer-in-charge for permission to go to the third floor to get my sister and make sure she was safe and sound. The officer refused at first, but when I insisted, he eventually told me that Yousra was dead and that I did not need to see her. I then asked for permission for the Red Crescent to remove the body to a hospital. That request was denied. We remained locked up on the ground floor while the martyr lay in her room. Afterwards, Israeli soldiers forced us, under threat of arms, to leave our home, expelling us and scattering family members. That is why I don’t know what has happened to my daughters and my sons. This is a catastrophe and a real tragedy. My sister posed no danger to the Israeli soldiers. In no way was she threatening their lives. But despite that, they killed her in cold blood and left her body unburied for 16 days. Under what laws or rights are such crimes authorized?”

Testimony of the wife of martyr Nasser Abu Hatab

In an area near to the Al Damj district, the army of the Zionist enemy targeted Mr. Nasser Abu Hatab, a married man with four children, whose wife made the following statement: “I will never forget those moments. The soldiers, disregarding the laws guaranteeing the inviolability of the home, shot my husband in front of his children for no reason ... It was a Saturday afternoon, about 4 o’clock, on the third day of the offensive against the Jenin refugee camp. Israeli soldiers knocked on our door and my husband rushed to open. Terrible things happened. The soldiers grabbed my husband by his neck and immediately started shooting him, even though he had not kept them waiting, had not resisted in any way and had followed all their instructions. My husband fell to the ground, covered in blood. Horrified by what was happening, I began to scream and cry. The soldiers pointed their weapons at me, shouting “Sheket, sheket”, and then locked me in another room with my children. That is when I called the hospital and the Red Crescent and asked them to help us and to save my husband’s life. But the Israeli army refused the emergency teams permission to come to our house.” Mr. Abu Hatab died in front of his wife and children. But what was even more horrible for them is the fact that the soldiers, having confined them for several hours, locked them up in the house as they left and ordered them not to remove the body. Mrs. Abu Hatab added: “I can’t find words to describe conduct that was so contrary to the most basic human rights. The occupying army locked me up with my children in a room with my husband’s corpse, ordering us not to bury it, not even in the little yard ... What life and what

future can my children look forward to after witnessing this bloodshed with their own eyes and being unable to help their father or bury his body, which remained unburied for a whole week?"

Story of martyr Ashraf Abu Al-Hija'

Another tragic story is that of the family of Ashraf Mahmoud Abu Al-Hija', a young man whose charred body was found at the home of one of his relatives in Jaourat Al-Dhahab, in the Jenin camp. Mr. Abu Al-Hija's family made the following statement: "When the aerial bombing and the shelling of our homes grew worse and the area where we lived became dangerous, we began to leave our house one by one and go to neighbours' houses. At that point, a shell fell at the entrance to the second floor, starting a fire. We began to scream, shouting to Ashraf to get out as soon as possible. We called the civil defence people and the emergency workers to come and rescue Ashraf, who we believed was under fire from all directions. We later learned that the shells had hit our child directly. He died on the spot and was burnt to a cinder." The Director of the Civil Defence Department made the following statement: "We received a call from Jaourat Al-Dhahab confirming that a house was on fire. We immediately dispatched one of our emergency teams, but unfortunately it was blocked by armoured vehicles of the occupying army. The soldiers opened fire on the civil defence vehicle, then on the ambulance, preventing us from reaching the bombed house." Abu Al-Hija's family stated that Ashraf's body remained unburied for over two weeks, until the Israeli army evacuated the area. In addition, occupation forces destroyed 90 per cent of the homes and killed a number of residents. Ashraf's mother made the following statement: "My son was in a civilian area, not a military area. Despite that, the Israeli army bombed it for over a week, until its bulldozers and armoured vehicles came in to finish off the job left undone by its aircraft. Clearly, those operations were planned in advance with the aim of wiping out men, women, children and buildings, in other words, all living creatures and anything that could remain standing."

Testimony of Mrs. Hind `Aweiss

Mrs. Hind `Aweiss, the mother of 10 children, stated that about a hundred Israeli soldiers invaded her house, remaining for five days and leaving nothing but ruins in their wake. According to what the residents reported, the soldiers behaved in a savage manner without any justification, making insolent remarks, pillaging household furniture, breaking a number of articles, writing the names of their military units on walls, and stealing money and items of value.

The soldiers who invaded Mrs. Hind `Aweiss's home asked all the occupants to leave. She refused, pointing out that she and her children had nowhere to go, because fighting was raging outside. Initially, the soldiers were content to occupy the two upper floors. They came back the next day and asked the occupants to evacuate the ground floor. Mrs. `Aweiss later made the following statement to reporters: "At that point, one of the soldiers grabbed my nephew Rateb, a boy of one and a half, held him under his arm, pointed his gun at his temple and threatened, in halting Arabic, to shoot him if we refused to leave. That is how they got us to leave." Mrs. `Aweiss added that the soldier who threatened to kill her nephew was not an officer, but that she could not identify him, because, like the other soldiers, he had covered his face with black paint. On the other hand, she knew the name of the unit to which he belonged because his companions in arms had written it in black

letters on the walls of her home. It was the Golani brigade. Mrs. `Aweiss also said that the soldiers set fire to her house before leaving. It was also possible that the fire was started by a helicopter strike.

Testimony of Oum Haitham

When they returned, the camp's residents began to search through the rubble for documents, identification papers, jewellery that they had buried underground before they were expelled from their homes, furniture and clothing. However, Oum Haitham found no trace of what had been her home, and all the clothing and furniture she was able to recover are unusable. She made the following statement: "They wiped us out and drove us out in the space of a few minutes, destroying the fruits of a lifetime of hardship and labour. Little Isra' wept bitterly when she reached the place where her house used to stand. She recognized it when she saw her father searching through the pillars and the debris littering the ground."

Testimony of Mr. Maher Hawwashin

Sitting on a cement block in the middle of the Jenin camp, his head in his hands, Mr. Maher Hawwashin contemplated the pile of rubble under which his memories and all his family possessions were buried. Mr. Hawwashin stated that after his house had been completely destroyed, he had been left without resources, not knowing how he and his family would have a roof over their heads and be able to meet their needs. For the time being, he was staying temporarily with his brother, until his problem and that of everyone whose house had been destroyed by the enemy troops was settled.

Testimony of persons injured by mine explosions

The camp residents live in terror, fearing for their future and their lives, following the repeated explosion of mines which the Israeli soldiers left behind. Mr. Abu Ahmad stated as follows: "They were not satisfied with destroying our houses; they also placed mines everywhere, so that our lives are constantly threatened. Last Sunday, for instance, as I was entering my house, a mine exploded, injuring me and my son Mohammed." The camp residents state that after soldiers had placed mines in the districts and in the houses, 10 of the devices had exploded, injuring 20 Palestinians, most of them children. The chief of the demining unit of the International Committee of the Red Cross stated that the unit had detected the presence of a large number of suspect devices and mines, which it had managed to remove and disable, while imploring the camp residents to cooperate with the unit to preserve their lives and safety. Moreover, the unit had formed several local volunteer teams composed of camp residents who would assist it in detecting and collecting mines and inspecting houses and local buildings.

Assad Faisal Arssane, aged 10, and Saad Subhi Al-Wahshi, aged 12, are two small boys who were playing with other boys their age in one of the camp alleys when they were injured by a mine which residents said was placed by soldiers of the occupying army. Assad, who had to undergo several surgical operations, stated as follows: "I was sitting with my friends from the district, talking about the raids and killings by the Israeli army. A device exploded as we began playing. I lost consciousness, and when I came round, I realized that I had lost all my limbs." The doctors at Jenin Hospital said that Assad was very critically injured and had to have

both arms and legs amputated. Saad, for his part, was burned and his body is full of shrapnel.

Testimony of journalists and humanitarian organizations

Even journalists were shocked by the scenes of horror that they witnessed in the Jenin camp. Some of them admitted that they had difficulty expressing and describing what they were seeing. Walid al-Amri, a reporter for the Qatar television station Al-Jazeera, stated: "While the Israeli authorities had decided to deny access to the Jenin camp to media outlets and to prosecute them, we were determined to overcome the difficulties and face up the dangers. We had managed to enter the camp in order to reveal the truth, which could only be determined by going there. But tanks and snipers tried to prevent anyone from entering the camp." Al-Amri was one of the first journalists to enter the Jenin camp during the massacre. He stated: "The road we had taken was dangerous and 'largely impassable. It wasn't easy to enter the camp, and the scenes that we saw from the first moment were dreadful. We saw burned and dismembered corpses and dozens of houses destroyed, to the point where it seemed we were in an area hit by a huge earthquake The scenes were especially terrible and tragic because the victims were Palestinians who had been driven from their homes 50 years earlier, and who had been driven out again by the very State that had been established on the ruins of their houses. ... The most terrible scenes were those of Palestinians, who had been encircled in their homes for over 20 years. ... The main question we were asking ourselves was how to save the lives of the survivors, after everything that had happened in the camp and after the unparalleled humanitarian situations we had seen there — people searching for live persons or corpses under the rubble, a mother or a father searching for their children, a child searching for his brothers and sisters and his family, or people searching for their homes under the ruins."

In New York, the United States journalist Mary Seral, a correspondent for the *Sunday Times*, said that she had seen many scenes in the camp, and that all the images that had been shown and broadcast did not reflect the reality. The facts showed that the Israeli army had deliberately destroyed the camp and attacked its population in violation of every law. Israeli soldiers prevented the family of the martyr Gamal Fayed from taking him out of his house, even though he was crippled, was not fighting and did not pose any security threat to the soldiers. As to the Chinese journalist Shu Suzki, a television cameraman, he stated, while wiping away tears: "I realize now that the whole world, without exception, is responsible for this tragedy. I have covered a great many events and tragedies around the world, but the scenes I have witnessed in the Jenin camp are the most violent and the ones that have touched me the most. All of the victims were civilians. The bodies that were found under the rubble were those of children, women and teenagers, and all were civilians. We discovered that some of them had not been fatally injured, and that their deaths were attributable to the fact that they had been unable to receive treatment. This is why I say again that a huge massacre was committed, and that any person who has a conscience anywhere in the world should work to bring an end to this war, this destruction and this tragedy."

Chips, the United States volunteer

Chips, a United States Red Cross volunteer, was one of the first persons to go through the streets of the Jenin camp, to which the medical units of humanitarian

relief organizations had been denied access for two weeks. Although she had taken part in many relief operations in a number of countries, Chips said that she was deeply shocked by what she had seen. She stated: "I shared and experienced with the Palestinians moments of pain and suffering as they tried for several days to enter the camp. But the Israeli army prevented them from doing so. In spite of the hundreds of calls for help from children and women and from the camp population in general, none of us was in a position to play our role and come to the aid of anyone. The tanks were everywhere and were even firing on the ambulances, backed up by snipers who were occupying a number of buildings. ... The Red Cross did what it could and set up countless contacts so that the Red Cross staff and ambulances, which display the organization's logo, could be permitted to bring relief to the injured and remove the bodies of the martyrs, but in vain. The Israeli army prevented us from moving, which is both horrible and contrary to international law." Describing the situation in the camp as catastrophic and tragic, Chips added: "When the Israeli army authorized us to enter the camp, it was too late. As soon as we set foot on the ground, we smelt the odour of death and of the corpses that the army had left in the streets and alleys and under the rubble. ... I have been to several regions of the world and have seen destruction of various kinds, but the scenes in the Jenin camp were different, terrible and tragic. We retrieved charred corpses and others that were rotting, and they all belonged to civilians, including women, children and elderly persons. Some bodies were buried under the rubble of houses destroyed by the army. It was a real massacre and the scenes were terrible."

Annex IV

[Original: Spanish]

Note verbale dated 7 June 2002 from the Permanent Mission of Spain to the United Nations addressed to the Secretary-General

The Permanent Mission of Spain to the United Nations presents its compliments to the Secretary-General of the United Nations and, in connection with his note of 14 May 2002, has the honour to transmit the report drawn up by the European Union on the events in Jenin and in other Palestinian cities.

Attachment

Report of the European Union

[Original: English]

The Presidency of the European Union transmits hereby to the Secretary-General of the United Nations the report on the events that took place in Jenin and other Palestinian cities during the month of April. This report has been elaborated by the European Union Consul Generals in Jerusalem and the heads of mission in Ramallah.

1. Preliminary remarks

As a preliminary remark, it should be noted that reports on the events in Jenin and the Jenin refugee camp have been produced by a number of NGOs, international organizations and United Nations agencies (UNRWA, Human Rights Watch, ICRC, ...), as part of other global reports on the situation and events in the Occupied Territories or referring exclusively to the situation in Jenin.

It must also be noted that no independent observers were present in the area during the fighting, especially in the refugee camp. The IDF prohibited entry to the camp for 12 consecutive days.

Since the military operations in early April, at least on two other occasions the IDF have made additional incursions in Jenin, thus making very difficult the task of the humanitarian and reconstruction aid agencies and confirming the perception of the population and security services of the Palestinian Authority on the fragility of their situation.

The massive destruction, especially at the centre of the refugee camp, to which all heads of mission in Jerusalem and Ramallah can testify, shows that the site had undergone an indiscriminate use of force, that goes well beyond that of a battlefield.

2. Introduction

On 3 April 2002, the IDF started a military operation against the West Bank Palestinian city of Jenin and its refugee camp. This operation came as part of a major military campaign against Palestinian urban centres in the West Bank.

The operation followed a first major operation in mid-March and was justified by Israel as a part of its fight against terrorism and as a retaliation against a series of terrorist attacks in the previous days.

The city of Jenin and the camp were declared a closed military area, the IDF not allowing anyone access to the city. At the same time a curfew was enforced, which lasted for 13 consecutive days and was only lifted for the refugee camp on 18 April.

This situation prevented observers from entering Jenin and especially the refugee camp, where only on 15 April personnel from ICRC and PRCS were allowed to enter the refugee camp for the first time in 12 days.

As a result, all independent reports on the events that took place in the Jenin refugee camp are based on statements by individuals, comments by officials of the Palestinian Authority and comments coming from some official sources in the IDF,

as well as reporting from officials from UNRWA, ICRC or other international agencies present on the ground.

Direct observation was only possible in the aftermath of the events, at first by humanitarian teams bringing aid to the population, later by visitors to the refugee camp and the city.

On the basis of the reports and direct observation, some facts can be established.

3. Background to the Jenin refugee camp

According to the UNRWA figures, the Jenin refugee camp was home to 13,929 refugees (3,048 families). Other estimates place the figure a little over 13,000. It is the second largest refugee camp in the West Bank, established in 1953 on 373 dunums (1 dunum = 1,000 m²), occupying now a surface equivalent to 1 square kilometre, within the Jenin municipal boundaries. Reports from UNRWA suggest that a number of refugees had moved out of the limits of the refugee camp itself within the city limits.

Of that population, about 47 per cent are children and elderly (42.3 per cent under 15 years of age and 4.3 per cent over 55 years of age).

According to a survey from the Bir Zeit University, around 50 per cent of the population of Jenin city are refugees.

The camp is mainly constituted of buildings, of two to three storeys, in concrete and brick.

4. Relevant information

The fighting in the camp lasted from 3 to 11 April.

Between the end of the fighting and the first access permitted to the refugee camp, there was a period of four days considered by all observers as critical.

Humanitarian assistance by UNRWA, ICRC and PRCS only started on 15 April, at first under IDF control. They were not allowed at first to carry it on a systematic and organized way and prevented from performing forensic operations.

The curfew was lifted only on 18 April, partially on 16 April.

Of the population of the refugee camp, at least 4,000 remained inside and did not evacuate the camp at any moment.

IDF systematically used bulldozers, tanks, armoured personnel carriers and infantry, also armoured helicopters. The operations took a broader scope after the death of 13 Israeli soldiers in an ambush inside the refugee camp.

IDF cut electricity in both the town and the camp. Water pipes to the refugee camp were also broken.

IDF prevented access to the camp to UNRWA, ICRC and PRCS even to evacuate the wounded and the dead. Only after a decision by the Israeli High Court of Justice, on 14 April, was access granted, though on a very limited basis and conditions.

Fighting was fierce in the refugee camp. A number of Palestinian fighters, estimated at around 150, handed themselves in to the IDF on the last days.

Palestinians had claimed that between 400 and 500 people had been killed, fighters and civilians together. They had also claimed a number of summary executions and the transfer of corpses to an unknown place outside the city of Jenin.

The number of Palestinian fatalities, on the basis of bodies recovered to date, in Jenin and the refugee camp in this military operation can be estimated at around 55. Of those, a number were civilians, four were women and two children. There were 23 Israeli fatalities in the fighting operations in Jenin.

The number of Palestinian fatalities could increase when the rubble is removed. Most observers share the certainty that there must be some bodies lying under the debris.

Nevertheless, the most recent estimates by UNRWA and ICRC show that the number of missing people is constantly declining as the IDF releases Palestinians from detention. In any case, a figure is very difficult to estimate. There are a number of reports about Palestinian civilians being used as human shields.

The IDF made a very large number of detentions, though most of the Palestinians were later set free.

The estimate of physical damage is as follows:

- Destruction of security buildings and infrastructure in Jenin city.
- Destruction of security buildings of the Palestinian Authority in Jenin city.
- 160 buildings totally destroyed in the refugee camp.
- 100 buildings partially damaged. 800 families without shelter, an overall estimate of over 4,000 persons.
- 10 per cent of the camp totally destroyed.
- The centre of the refugee camp has been totally levelled. The area has a diameter of about 200 m and a surface of about 30,000 m², with approximately 100 buildings totally destroyed.

The IDF launched a well-prepared operation converging on the centre of the refugee camp as shown by the destruction of buildings in the streets and alleys leading there.

The certainty of buried explosives under the rubble has made it very difficult for specialized teams to move on the ground. Unexploded ordnance belongs to both the IDF and the Palestinians.

From the very first minute, civilians from the camp were eager to come back and started collecting their personal belongings, making the situation even more difficult and dangerous.

The civilians were under a huge shock. Not only were they deprived of water, food and electricity for many days, but they were also seeking information about the fate of relatives with whom they had lost contact.

For many days after the fighting ended, there was neither law nor order inside the camp. The Palestinian Authority was unable to provide security and law enforcement, as the security apparatus had been destroyed.



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Agenda item 5

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Report of the Secretary-General prepared pursuant to General Assembly resolution ES-10/13

Summary

The present report is submitted pursuant to General Assembly resolution ES-10/13 of 21 October 2003, adopted at the resumed tenth emergency special session of the Assembly. In paragraph 1 of the resolution, the Assembly “demand[ed] that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law”. In keeping with the request of the General Assembly in paragraph 1 of resolution ES-10/13, I have concluded that Israel is not in compliance with the Assembly’s demand that it “stop and reverse the construction of the wall in the Occupied Palestinian Territory”.

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A. Introduction

1. The present report is submitted pursuant to General Assembly resolution ES-10/13 of 21 October 2003, adopted at the resumed tenth emergency special session of the Assembly. In paragraph 1 of the resolution, the Assembly “demand[ed] that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law”. In paragraph 3, the Assembly requested the Secretary-General to report periodically on compliance with the resolution, but with the first report on compliance with paragraph 1.

2. This report focuses on the period from 14 April 2002, when the Government of Israel first decided to build a system of fences, walls, ditches and barriers in the West Bank (“the Barrier”),* to 20 November 2003. It is primarily based on publicly available research carried out by United Nations offices on the ground. Other materials available to the United Nations, including those in the public domain, were used in the preparation of this report. The Government of Israel and the Palestinian Authority were consulted in the preparation of this report and asked to provide information they deemed relevant. Some of that information is attached in annexes I and II.

B. Compliance with resolution ES-10/13

3. Paragraph 1 of resolution ES-10/13 states that the United Nations General Assembly “demands that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law”. Israel has not complied with that demand. It has not stopped or reversed the ongoing construction of the Barrier. This is shown by the following information from United Nations field monitoring:

- Ongoing construction in the occupied Palestinian territory, along the north-east boundary of the West Bank and east of Jerusalem
- Levelling of land for a section in the north-west of the West Bank
- Ongoing issuance of land requisition orders
- Release of the first official map showing the planned route of the Barrier and declaration of intent to complete it by 2005.

C. Route of the Barrier

1. Background to the construction of the Barrier

4. The Government of Israel has since 1996 considered plans to halt infiltration into Israel from the central and northern West Bank, with the first Cabinet approval of such a plan in July 2001. After a sharp rise in Palestinian terror attacks in the

* Palestinians often call this system the Separation Wall and Israelis use the term Security Fence. For the purposes of the present report, the more general term “the Barrier” is used.

spring of 2002, the Cabinet approved Government Decision 64/B on 14 April 2002, which called for construction of 80 kilometres of the Barrier in the three areas of the West Bank. The Seam Zone Administration, headed by the director general of the Israeli Ministry of Defence, was established to implement that decision.

5. On 23 June 2002, Israel's Cabinet Decision 2077 approved the first phase of a "continuous" Barrier in parts of the West Bank and Jerusalem. The decision stated that the Barrier "is a security measure" that "does not represent a political or other border". The route discussed was not made public; the decision stated that the "exact and final route of the fence will be decided by the prime minister and minister of defence". On 14 August 2002, the Cabinet approved the final route for Phase A construction, which ultimately included 123 kilometres in the northern West Bank and 19.5 kilometres around Jerusalem, almost entirely on land occupied by Israel in 1967.

2. The overall route

6. On 1 October 2003, after nearly a year of construction on various sections, the Israeli Cabinet approved a full Barrier route in Decision 883. Ministry of Defence documents say the planned route of the Barrier will form one continuous line stretching 720 kilometres along the West Bank. A map of the route, which shows both completed and planned sections, was posted on the Ministry of Defence web site on 23 October 2003, two days after the General Assembly approved resolution ES-10/13.

7. Much of the completed Barrier, excluding East Jerusalem, runs close to the Green Line, though within Palestinian territory. The completed Barrier deviates more than 7.5 kilometres from the Green Line in certain places to incorporate settlements, while encircling Palestinian population areas. The part of the Barrier that roughly hews to the Green Line is along the northernmost part of the West Bank. A 1-2 kilometre stretch west of Tulkarm appears to run on the Israeli side of the Green Line. The planned route, if fully constructed, would deviate up to 22 kilometres in places from the Green Line.

8. Based on the route on the official map, including depth barriers and East Jerusalem, approximately 975 square kilometres, or 16.6 per cent of the entire West Bank, will lie between the Barrier and the Green Line. This area is home to approximately 17,000 Palestinians in the West Bank and 220,000 in East Jerusalem. If the full route is completed, another 160,000 Palestinians will live in enclaves, areas where the Barrier almost completely encircles communities and tracts of land. The planned route incorporates nearly 320,000 settlers, including approximately 178,000 in occupied East Jerusalem.

3. Description of the Barrier

9. According to Israeli Ministry of Defence documents and field observation, the Barrier complex consists of the following main components: a fence with electronic sensors designed to alert Israeli military forces of infiltration attempts; a ditch (up to 4 metres deep); an asphalt two-lane patrol road; a trace road (a strip of sand smoothed to detect footprints) that runs parallel to the fence; and a stack of six coils of barbed wire marking the complex's perimeter. This complex has an average width of 50-70 metres, increasing to as much as 100 metres in some places.

10. Ministry of Defence documents say that “various observation systems are being installed along the fence”. These apparently include cameras and watchtowers in some places where the Barrier consists of concrete walls. A planned allied component is “depth barriers”, secondary barriers that loop out from the main Barrier to the east. Two depth barriers are part of the planned route in the central West Bank. Another three “depth barriers” in the northern West Bank that have appeared on some unofficial maps have not been built and are not part of the 23 October official map.

11. Concrete walls cover about 8.5 kilometres of the approximately 180 kilometres of the Barrier completed or under construction. These parts of the Barrier, which the Israel Defense Forces (IDF) terms “gunfire protection walls”, are generally found where Palestinian population centres abut Israel, such as the towns of Qalqiliya and Tulkarm, and parts of Jerusalem. Some are currently under construction, while others were planned and built separately from the current project, such as part of the wall next to Qalqiliya, which was built in 1996 in conjunction with a highway project.

4. Phases of the route completed or under construction

12. *Phase A (excluding occupied East Jerusalem).* This initial part of the Barrier, which runs 123 kilometres from the Salem checkpoint north of Jenin to the settlement of Elkana in the central West Bank, was declared completed 31 July 2003, although work continues in some parts. Much of Phase A construction deviates from the Green Line, and incorporates Israeli settlements. United Nations offices on the ground calculate that the Barrier has put approximately 56,000 Palestinians in enclaves, areas encircled by the Barrier that open into the West Bank. They include about 5,300 Palestinians in “closed areas” between the Barrier and the Green Line where Israel requires permits or identity cards for Palestinians who reside there or want to enter the area. The enclaves include the town of Qalqiliya (pop. 41,606) and, to its south, a cluster of three villages with about 7,300 residents.

13. *Phase B.* This section is planned to run 45 kilometres east from the Salem checkpoint along the northern part of the Green Line to the Jordan Valley, and is scheduled for completion in December 2003. It does not incorporate any settlements or create any Palestinian enclaves.

14. *Jerusalem.* The existing barrier and planned route around Jerusalem is beyond the Green Line and, in some cases, the eastern municipal boundary of Jerusalem as annexed by Israel. Completed sections include two parts totalling 19.5 kilometres that flank Jerusalem, and a 1.5-kilometre concrete wall in the eastern Jerusalem neighbourhood of Abu Dis. The planned route includes a section due east of Jerusalem that links up with the existing Abu Dis wall; levelling of land has started at its southern end. A second section runs through the northern Jerusalem suburb of Al-Ram, which will be cut off from Jerusalem, and links with the existing northern barrier section at the Qalandia checkpoint. A third section will surround five Palestinian communities north-west of Jerusalem, creating a 2,000-acre enclave with 14,500 people. A gap remains in the planned route due east of Jerusalem near the settlement of Maale Adumim.

5. Planned phases of the route

15. *Elkana to Ofer Camp*. This section links the north-western end of the Jerusalem Barrier with the southern point of Phase A construction at Elkana. It includes two “depth barriers” that together create enclaves encompassing around 29,000 acres and 72,000 Palestinians in 24 communities. The route deviates up to 22 kilometres from the Green Line to include several large settlements and approximately 52,000 settlers in the “Ariel salient”. Cabinet Decision 883 of 1 October does not explain the nature of the Barrier around this area, where the Government of Israel has said it would build disconnected “horseshoes” around the settlements. However, the official map shows a planned route that seamlessly encompasses the settlement block.

16. *Southern West Bank*. According to the official map, this route of the Barrier in the southern West Bank runs 115 kilometres from the Har Gilo settlement near Jerusalem to the Carmel settlement near the Green Line south-east of Hebron. It cuts several kilometres into the West Bank to encompass the Gush Etzion settlement block and the settlement of Efrat, creating enclaves with around 17,000 Palestinians. Ministry of Defence documents say that construction on this stage, which has not started yet, is slated for completion in 2005.

6. Process of land requisition as part of the Barrier’s construction

17. Land obtained for the building of the Barrier is requisitioned by military orders in the West Bank and by the Ministry of Defence in Jerusalem Municipality. The orders generally become effective on the date they are signed and are valid even if they are not personally served on the property owners. Most orders are valid until 31 December 2005 and can be renewed.

18. Orders are sometimes left on the property itself or served on the village council without personal service being given to the property owner. Landowners have one or two weeks from the date of signature to object to the relevant committee. The property owner can also petition the High Court of Israel. According to IDF, over 400 first-instance objections have been submitted and 15 petitions have been lodged with the High Court on behalf of families or entire villages.

7. The establishment of closed areas

19. On 2 October 2003, IDF issued a series of legal instruments (“the Orders”) pertaining to land in the north-west part of the West Bank that lies between the Barrier and the Green Line (“Closed Area”). The Orders provide that “no person will enter the seam zone and no one will remain there” and will affect 73 square kilometres and approximately 5,300 Palestinians living in 15 communities.

20. The Orders introduce a new system of residency status. Only on issuance of a permit or ID card by IDF will residents of the Closed Area be able to remain and will others be granted access to it. Israeli citizens, Israeli permanent residents and those eligible to immigrate to Israel in accordance with the Law of Return can remain in or move freely to, from and within the Closed Area without a similar permit.

21. At the date of writing, most residents in the Closed Area had received permits although they were only generally valid for a period of one, three or six months. As

for those non-residents seeking access to the Closed Areas, indications are that a majority of those who need or want access to the Closed Area had not yet received permits.

22. Even with a permit or ID card, access and egress are regulated by the schedule of operation of the access gates, which is reportedly limited at present to openings of 15 minutes three times a day. However, if residents are denied regular access to their farmlands, jobs and services, a concern is raised that Palestinians may leave the area. In this connection, it should be noted that in the past, Israel has expropriated land for not being adequately cultivated, pursuant to military orders or through enforcement of domestic legislation in the West Bank inherited from the Ottoman and Jordanian regimes.

D. Humanitarian and socio-economic impact

23. The Barrier, in both completed and planned sections, appears likely to deepen the fragmentation of the West Bank created by the closure system Israel imposed after the outbreak of hostilities in September/October 2000. The main component of the closure system is a series of checkpoints and blockades that severely restrict the movement of Palestinian people and goods, causing serious socio-economic harm. Recent reports by the World Bank and the United Nations show that construction has dramatically increased such damage in communities along its route, primarily through the loss of, or severely limited access to, land, jobs and markets. According to the Palestinian Central Bureau of Statistics, so far the Barrier has separated 30 localities from health services, 22 from schools, 8 from primary water sources and 3 from electricity networks.

24. Palestinians living in enclaves are facing some of the harshest consequences of the Barrier's construction and route. For example, the Barrier surrounds the town of Qalqiliya, with the only exit and entry point controlled by an Israeli military checkpoint. This has isolated the town from almost all its agricultural land, while surrounding villages are separated from its markets and services. A United Nations hospital in the town has experienced a 40 per cent decrease in caseloads. Further north, the Barrier is currently creating an enclave around the town of Nazlat Issa, whose commercial areas have been destroyed through Israel's demolition of at least seven residences and 125 shops.

25. Completed sections of the Barrier have had a serious impact on agriculture in what is considered the "breadbasket" of the West Bank. In 2000, the three governorates of Jenin, Tulkarm and Qalqiliya produced US\$ 220 million in agricultural output, or 45 per cent of total agricultural production in the West Bank. Palestinian cultivated land lying on the Barrier's route has been requisitioned and destroyed and tens of thousands of trees have been uprooted. Farmers separated from their land, and often also from their water sources, must cross the Barrier via the controlled gates. Recent harvests from many villages have perished due to the irregular opening times and the apparently arbitrary granting or denial of passage. According to a recent World Food Programme survey, this has increased food insecurity in the area, where there are 25,000 new recipients of food assistance as a direct consequence of the Barrier's construction.

26. The Barrier's route through Jerusalem will also severely restrict movement and access for tens of thousands of urban Palestinians. A concrete wall through the

neighbourhood of Abu Dis has already affected access to jobs and essential social services, notably schools and hospitals. The northern section of the Barrier has harmed long-standing commercial and social connections for tens of thousands of people, a phenomenon that will be repeated along much of the route through Jerusalem. The residences of some Jerusalem identity card holders are outside the Barrier, while those of some West Bank identity card holders are inside the Barrier. This raises concerns about the future status of residency for Palestinians in occupied East Jerusalem under current Israeli laws.

27. If Israel persists in its construction of the Barrier, some of its economic and humanitarian impact can be limited if Israel allows regular movement through a series of 41 gates to Palestinians living east of the Barrier who need to access their farms, jobs or services in the “Closed Area” to the west. Despite posted opening times, the gates are not open with any regularity. Moreover, such access cannot compensate for incomes lost from the Barrier’s destruction of property, land and businesses. This raises concerns over violations of the rights of the Palestinians to work, health, education and an adequate standard of living.

E. Observations

28. **In keeping with the request of the General Assembly in resolution ES-10/13, I have concluded that Israel is not in compliance with the Assembly’s demand that it “stop and reverse the construction of the wall in the Occupied Palestinian Territory”.**

29. **Israel has repeatedly stated that the Barrier is a temporary measure. However, the scope of construction and the amount of occupied West Bank land that is either being requisitioned for its route or that will end up between the Barrier and the Green Line are of serious concern and have implications for the future. In the midst of the road map process, when each party should be making good-faith confidence-building gestures, the Barrier’s construction in the West Bank cannot, in this regard, be seen as anything but a deeply counterproductive act. The placing of most of the structure on occupied Palestinian land could impair future negotiations.**

30. **I acknowledge and recognize Israel’s right and duty to protect its people against terrorist attacks. However, that duty should not be carried out in a way that is in contradiction to international law, that could damage the longer-term prospects for peace by making the creation of an independent, viable and contiguous Palestinian State more difficult, or that increases suffering among the Palestinian people.**

31. **After so many years of bloodshed, dislocation and suffering, it should be clear to all of us, as well as to the parties, that only through a just, comprehensive and lasting peace settlement based on Security Council resolutions 242 (1967) and 338 (1973) can the security of both Palestinians and Israelis be assured. There is wide support in the international community for a two-State solution — Israel and Palestine living side by side in peace and security within secure and recognized borders, as called for by the Security Council in resolutions 1397 (2002) and 1515 (2003). That support must urgently be marshalled to assist the parties in achieving that end.**

Annex I

Summary legal position of the Government of Israel

1. Much of the information in this annex is derived from materials provided to the United Nations by the Government of Israel. Other information comes from publicly available sources.
2. Israel's Parliament has not incorporated the Hague Regulations into domestic legislation; however, Israeli authorities have relied on article 23 (g) of those Regulations, which permits the seizure of property if demanded by the necessities of war.
3. Despite having ratified the Fourth Geneva Convention, Israel has not incorporated it into its domestic legislation. Nor does it agree that the Convention is applicable to the occupied Palestinian territory, citing the lack of recognition of the territory as sovereign prior to its annexation by Jordan and Egypt and, therefore, not a territory of a High Contracting Party as required by the Convention.
4. Israel denies that the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which it has signed, are applicable to the occupied Palestinian territory. It asserts that humanitarian law is the protection granted in a conflict situation such as the one in the West Bank and Gaza Strip, whereas human rights treaties were intended for the protection of citizens from their own Government in times of peace.
5. Regarding the route, the Government of Israel states that neither the "Green Line" nor the armistice line were confirmed as international boundaries in Security Council resolutions 242 (1967) and 338 (1973), which call upon the parties to negotiate. The legal status of the occupied Palestinian territory remains disputed.
6. According to its statement made before the General Assembly on 20 October 2003, the Government of Israel believes the construction of the Barrier is consistent with Article 51 of the Charter of the United Nations, its inherent right to self-defence and Security Council resolutions 1368 (2001) and 1373 (2001). Israeli officials say the Barrier has contributed to a significant decline in the number of attacks inside Israel. According to the Ministry of Foreign Affairs, between 1 April 2002 and 31 December 2002, 17 suicide bombers crossed into Israel from the central West Bank and killed 89 Israelis. Between 1 January 2003 and 5 November 2003, after part of the Barrier had been completed, eight suicide bombers entered Israel from the central West Bank and killed 51 Israelis.
7. The Government of Israel has asserted that land requisitions issued to enable the building of the Barrier are proportionate given the number of deaths and injuries sustained by Israeli citizens and are carried out in accordance with both international and local law.
8. The Government of Israel argues: there is no change in ownership of the land; compensation is available for use of the land, crop yield or damage to the land; residents can petition the Supreme Court to halt or alter construction and there is no change in resident status. It says that the completion of the Barrier will in fact, allow the Israel Defense Forces (IDF) to reduce its presence in the West Bank and remove roadblocks and checkpoints, thereby improving overall humanitarian conditions in the West Bank.

9. The Ministry of Foreign Affairs emphasized that the permit process for the Closed Area is still in its early stages and that Israel is “committed that residents and those that use the area will be able to live in and use the area with minimal interference”.

10. As for access to the Closed Area by non-residents, the Ministry of Foreign Affairs has advised that permits, as opposed to ID Cards, will be issued based upon need. They explain that the activity of the individual will affect the nature of the permit; for example, a teacher would receive a permit for an entire school year and an olive farmer based on seasonal needs, and the health-care worker might have a permit for all occasions. While legal proof of ownership or residence would be best, it will not be necessary to receive official documentation proving ownership. Those wishing to visit friends and family would be permitted access subject to the security situation.

Annex II

Summary legal position of the Palestine Liberation Organization

1. The Palestine Liberation Organization legal opinion requested for this report cites several provisions and principles of international law as bearing on the question of the legality of the construction of the Barrier within the occupied Palestinian territory. Among them:

- Israel has a right to undertake certain limited measures in cases of strict military necessity and to protect its legitimate security interests. However, these measures must be taken in accordance with international human rights and humanitarian law.
- The measure of constructing the wall within the occupied Palestinian territory and related measures taken by the Government of Israel constitute violations of international humanitarian law because those measures are not justified by military necessity and violate the principle of proportionality. The harm those measures have caused include:
 - Extensive destruction of Palestinian homes and other property and appropriation of property not justified by military necessity, contrary to the Fourth Geneva Convention;
 - Infringements on the freedom of movement contrary to the International Covenant on Civil and Political Rights and in violation of the obligations of the Government of Israel under the Fourth Geneva Convention;
 - Infringements on the rights to education, work, an adequate standard of living and health care contrary to the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights and in violation of the obligations of the Government of Israel pursuant to the Fourth Geneva Convention;
 - Violations of the prohibition against arbitrary interference of home contrary to the International Covenant on Economic, Social and Cultural Rights and the freedom to choose one's residence contrary to the International Covenant on Civil and Political Rights and in violation of the protections provided in the Fourth Geneva Convention as a result of the permit system established in the Closed Area.

2. This violation of these Palestinian rights, including facilitating the entry into and residency of Israeli civilians in the Closed Area while restricting Palestinian access to and residency in that Area, are causing long-term, permanent harm, including the transfer of Palestinians, contrary to the Fourth Geneva Convention and the International Covenant on Economic, Social and Cultural Rights.

- Because these Israeli measures are neither necessary nor proportionate, they give rise to criminal liability by the Government of Israel for violations of human rights and some prima facie grave breaches of the Fourth Geneva Convention.
- The requirement of proportionality can more likely be met by building the Barrier within Israeli territory or even on the Green Line and by evacuating the

Israeli civilian nationals currently residing in the Occupied West Bank contrary to international law.

- The construction of the Barrier is an attempt to annex the territory contrary to international law.
 - The de facto annexation of land interferes with the territorial sovereignty and consequently with the right of the Palestinians to self-determination.
-



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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 11 January 2005 from the Secretary-General to the President of the General Assembly

You will recall that in its resolution ES-10/15, adopted at the tenth emergency special session, the General Assembly acknowledged the advisory opinion of the International Court of Justice of 9 July 2004 on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (A/ES-10/273 and Corr.1), including in and around East Jerusalem, and requested that I “establish a register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion”.

In its advisory opinion, the International Court of Justice had concluded that by the construction of the wall in the occupied Palestinian territory, Israel had violated various international law obligations incumbent upon it (para. 143) and that since the construction of the wall entailed the requisition and destruction of homes, businesses and agricultural holdings (para. 152), “Israel has the obligation to make reparation for the damage caused to all the natural and legal persons concerned”. In paragraph 153 of its Opinion, the Court said:

“Israel is accordingly under an obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the wall in the Occupied Palestinian Territory. In the event that such restitution should prove to be materially impossible, Israel has an obligation to compensate the persons in question for the damage suffered. The Court considers that Israel also has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result of the wall’s construction.”

A register of damage is technically speaking a list or a record in documentary form. However, such a document cannot establish itself spontaneously. There is, therefore, a need for a mechanism that will be responsible for establishing and maintaining such a document. The legal and institutional framework set out below foresees a register and a mechanism for its establishment, a Registry.

I. The purpose and legal nature of the Registry

1. The registration of damage is a technical, fact-finding process of listing or recording the fact and type of the damage caused as a result of the construction of the wall.* It thus entails a detailed submission process that would include a statement setting out the alleged damage, eligibility for registration and the causality between the construction of the wall and the damage sustained. It is important to understand that the Registry is not a compensation commission or a claims-resolution facility, nor is it a judicial or quasi-judicial body. The act of registration of damage, as such, does not entail an evaluation or an assessment of the loss or damage.

II. The structure and functions of the Registry

2. The Registry will consist of: (a) a Board, whose members are appointed by the Secretary-General in their personal capacity, and who shall be independent; (b) legal and technical experts in land and agriculture and in such other fields as may be necessary, appointed by the Board; and (c) a small secretariat consisting of administrative and technical support staff.

3. The Board will establish the rules and regulations governing the work of the Registry, and will have the overall responsibility for the establishment and maintenance of the register. It will establish eligibility criteria, categories of damage and the process of registration. On the recommendation of the experts, the Board will have the ultimate authority in determining the inclusion of damage in the register. The Board will report periodically to the Secretary-General.

4. Under the authority of the Board, the experts will consider submissions for inclusion in the register and deal with any other question entrusted to them by the Board. On the basis of the foregoing, they will recommend the inclusion of damage in the register.

5. The secretariat will service the members of the Board and the experts. It will be responsible for the administration of the Registry and the compilation of the database.

III. The legal status of the Registry

6. The Registry will be a subsidiary organ of the United Nations operating under the authority of the Secretary-General. The Convention on the Privileges and Immunities of the United Nations will thus apply to the Registry, its premises, equipment, database and personnel. The secretariat staff will have the status of officials of the United Nations within the meaning of articles V and VII of the Convention, and the members of the Board and technical experts will have the status of experts on mission within the meaning of article VI of the Convention.

IV. Resource requirements

7. The Registry will require adequate resources in keeping with its mandate and technical requirements. As a subsidiary organ of the United Nations it will be financed through assessed contributions. It is my intention to revert to the General Assembly in due course on the budgetary implications of the establishment of the Registry.

* The term used in the present letter, "the wall", is the one employed by the General Assembly.

V. The process of registration

8. In devising the process of registration, eligibility criteria and categories of damage, the Board will be guided by the relevant findings of the advisory opinion, general principles of law and, to the extent of their relevancy, principles of due process of law. The register will be publicly available.

1. Eligibility for registration

9. In accordance with the advisory opinion, both natural and legal persons who have sustained any form of material damage as a result of the construction of the wall are eligible for compensation. They are thus eligible to request the inclusion of damage in the register.

10. In accordance with the advisory opinion, the damage must be material damage, and a causal link will have to be established between the construction of the wall and the damage sustained.

2. Categories of damage

11. In paragraphs 133 and 153 of its advisory opinion, the International Court of Justice described the kinds of damage sustained as a result of the construction of the wall. They include: destruction and requisition of properties, seizure or confiscation of land, destruction of orchards, citrus groves, olive groves and wells and the seizure of other immovable property. Moreover, material damage sustained as a result of the construction of the wall is not limited to lands and crops, but also includes impeded access to means of subsistence, urban centres, work place, health services, educational establishments and primary source of water in areas between the green line and the wall itself. The categories of such material damage and their eligibility for registration will be elaborated in greater detail by the members of the Board.

3. Verification

12. A decision when and if it would be appropriate to engage in a process of verifying the fact and extent of the damage will be taken at a subsequent stage.

VI. The life-span of the Registry and the duration of the register

13. (a) The Registry will remain active for the duration of the process of registration. With the completion of the registration process, the Registry will be dissolved;

(b) The register of damage will remain open for registration for the duration of the wall on occupied Palestinian territory.

VII. Cooperation with the Government of Israel

14. The establishment and operation of the Registry in the occupied Palestinian territory will require the cooperation of the Israeli authorities in granting the Registry, its premises, database and other equipment, including its members, the privileges and immunities to which they are entitled under the Convention on the Privileges and Immunities of the United Nations. It will also require its cooperation in facilitating its operations, including granting the members and experts access to

documentary materials, to any governmental or municipal authority, organization or institution, or any other person whose information can assist the Board in the submission process.

I will keep the General Assembly apprised of developments relating to the establishment of the Registry.

(Signed) Kofi A. **Annan**



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Agenda item 5

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 30 June 2005 from the Permanent Representative of Switzerland to the United Nations addressed to the President of the General Assembly

I have the honour to transmit herewith the report prepared by Switzerland in its capacity as depositary of the Geneva Conventions, pursuant to paragraph 7 of resolution ES-10/15, adopted by the General Assembly on 20 July 2004, at the 27th meeting of its tenth emergency special session, which states:

“[The General Assembly] [c]alls upon all States parties to the Fourth Geneva Convention to ensure respect by Israel for the Convention, and invites Switzerland, in its capacity as the depositary of the Geneva Conventions, to conduct consultations and to report to the General Assembly on the matter, including with regard to the possibility of resuming the Conference of High Contracting Parties to the Fourth Geneva Convention.”

Pursuant to its mandate, Switzerland held broad consultations with the parties to the conflict, the actors involved in the peace process and other important actors in the region. All the High Contracting Parties to the Fourth Geneva Convention were also informed and consulted.

The present report was prepared by the depositary on the basis of those consultations; it contains summaries of the proposals and responses collected. The depositary was encouraged by a large number of parties not only to report on the results of the consultations, but also to formulate concluding observations. The report was concluded on 27 June 2005 and does not take into account any developments subsequent to that date.

Switzerland wishes to thank the High Contracting Parties to the Fourth Geneva Convention and all the other parties concerned for their cooperation and the support they provided throughout the consultations.

I should be grateful if you would circulate this report as a document of the tenth emergency special session of the General Assembly, under agenda item 5.

(Signed) Peter **Maurer**
Permanent Representative of Switzerland

Annex to the letter dated 30 June 2005 from the Permanent Representative of Switzerland to the United Nations addressed to the President of the General Assembly

Report by Switzerland, in its capacity as the depositary of the Geneva Conventions, pursuant to General Assembly resolution ES-10/15

27 June 2005

I. Introduction

1. At the 23rd meeting of its tenth emergency special session, on 8 December 2003, the General Assembly adopted resolution ES-10/14, by which it requested the International Court of Justice to render an advisory opinion on the legal consequences “arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem”.¹

2. On 9 July 2004, the International Court of Justice delivered its advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. The advisory opinion, along with the separate opinions and the declaration appended thereto, was transmitted by the Secretary-General to the General Assembly on 13 July 2004.²

3. The International Court of Justice replied to the question put forth by the General Assembly in resolution ES-10/14 as follows:³

“A. The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law;

“B. Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion;

“C. Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem;

“D. All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while

¹ See A/RES/ES-10/14.

² See A/ES-10/273 and Corr.1.

³ See A/ES-10/273, para. 163.

respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention;

“E. The United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated regime, taking due account of the present Advisory Opinion.”

4. At the 27th meeting of its tenth emergency special session, on 20 July 2004, the General Assembly adopted resolution ES-10/15 by which it “[a]cknowledges the advisory opinion of the International Court of Justice [...]”⁴ and “[d]emands that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion”.⁵ Furthermore, the General Assembly, through paragraph 7 of resolution ES-10/15:

“Calls upon all States parties to the Fourth Geneva Convention to ensure respect by Israel for the Convention, and invites Switzerland, in its capacity as the depositary of the Geneva Conventions, to conduct consultations and to report to the General Assembly on the matter, including with regard to the possibility of resuming the Conference of High Contracting Parties to the Fourth Geneva Convention;”

5. The present report is submitted pursuant to paragraph 7 of resolution ES-10/15. It represents the depositary’s summary of consultations undertaken and responses received from the High Contracting Parties to the Fourth Geneva Convention.

II. Consultations

6. In carrying out its mandate, the depositary began the consultations with the parties directly concerned and continued with the actors involved in the peace process and other important actors in the region. The depositary then consulted all the High Contracting Parties to the Fourth Geneva Convention.

7. The consultations took place in the capitals.

8. The depositary was able to count on the cooperation of all parties.

9. The depositary was encouraged not only to report on the consultations undertaken but also to formulate concluding observations.

III. Political context

10. The consultations were conducted in a context of ongoing political changes, with the advisory opinion as legal framework.

11. Various interlocutors emphasized the fact that the situation has changed since the adoption of resolution ES-10/15. They welcomed the encouraging political developments observed in the region over the past months. There is hope that these

⁴ See A/RES/ES-10/15, para. 1.

⁵ See A/RES/ES-10/15, para. 2.

developments, which include the implementation of the disengagement plan from the Gaza Strip and the Northern West Bank, will contribute to relaunching the political process.

12. Apprehension was expressed that the disengagement from the Gaza Strip and the Northern West Bank would bring about a transfer of settlers to one or the other of the settlements remaining in the West Bank and in East Jerusalem.

13. Mention was made of the lack of implementation of the Quartet road map and the delays in the implementation of the Sharm el-Sheikh Summit commitments. It was considered to be of paramount importance that the two parties respect and implement their respective commitments.

14. Several States expressed their concerns regarding the situation created on the ground in the West Bank and the impact of these activities on East Jerusalem. They also underlined the risk that this situation will prejudice negotiations to come on the final status and the borders of a future Palestinian State, or even render unrealistic the vision of two States living side by side in peace and security.

IV. Results

A. General remarks

15. The question of the scope of the mandate and of its interpretation by the High Contracting Parties was raised.

16. The majority supports a broad interpretation of the mandate, meaning respect for the Fourth Geneva Convention throughout the Occupied Palestinian Territory. A minority advocates for an interpretation limited to the barrier⁶ and its direct consequences. An approach consisting of a broad interpretation while paying special attention to the barrier can be supported by all those consulted.

17. Resolution ES-10/15 refers to a conference of High Contracting Parties as one option among others. The consultations produced a virtual consensus on the inadvisability of holding a new conference in the present circumstances. Some States expressed opposition on principle: a conference is likely to politicize international humanitarian law and to pose an obstacle to relaunching the peace process. Others considered that it would be difficult to determine what a new conference could possibly contribute in the way of added value, given the conclusions reached by the International Court of Justice in its advisory opinion. Others noted that two conferences of High Contracting Parties had already been held, in 1999 and 2001 respectively; a declaration emphasizing law and the obligations of the parties to the conflict, of the occupying Power, and of the High Contracting Parties had been adopted on 5 December 2001. A very small minority considered that a conference should not automatically be dismissed.

18. At the same time, all the High Contracting Parties recognize the need to improve rapidly the living conditions of the civilian population in the Occupied

⁶ The depositary is aware of the discussion about the correct term for the structure in question. For the purposes of this communication, the depositary will use the term "barrier" for the reasons set forth in the report of the Secretary-General of 24 November 2003 prepared pursuant to General Assembly resolution ES-10/13.

Palestinian Territory and to identify concrete measures for doing so. Some noted the high expectations of the Palestinian civilian population for a speedy and tangible improvement in its everyday life.

19. It was suggested by some that political progress and the implementation of the Quartet road map constitute the best means to achieve improvements in the humanitarian situation.

20. However, the great majority considers that an improvement in the humanitarian situation, by means of greater respect for international humanitarian law, would create an environment favourable to political progress. Certain States feel that respect for international humanitarian law as such also constitutes a confidence-building measure.

21. Encouraging dialogue and direct contact among the parties to the conflict is considered to be a priority.

22. The vast majority of States reaffirm that the applicable legal framework and the obligations of the parties concerned were determined by the International Court of Justice in its advisory opinion of 9 July 2004 and cannot be called into question.

23. Israel is generally expected to abide by the law and the findings of the advisory opinion. In addition to the conclusions regarding the barrier, many of the States consulted reaffirmed the *de jure* applicability of the Fourth Geneva Convention and of the human rights instruments ratified by Israel; the illegality of the settlements established by Israel in the Occupied Palestinian Territory, including in and around East Jerusalem; and the right of the Palestinian people to self-determination.

24. Israel's right to defend its population is recognized, provided that the measures taken in this regard conform to international law principles and standards. Similarly, the Palestinian Authority is expected to take the necessary measures to ensure security and to prevent attacks against civilians, which notably take the form of suicide attacks, and to prosecute those responsible.

25. Many recognize the changes made by Israel in the route of the barrier, as well as the fact that it has in certain stretches been made to approach, or in places run concurrent with, the Green Line. Such changes, however, were found to be insufficient from the standpoint of international law and of the conditions set forth in the advisory opinion of the International Court of Justice. The continuing construction of the barrier in the Occupied Palestinian Territory is qualified as contrary to international law and as a source of preoccupation. Israel is expected to dismantle the barrier situated in the Occupied Palestinian Territory.

26. The activities associated with the settlements, such as their expansion, their development, as well as the growing number of outposts, are a source of concern. The same can be said of the link between settlement activities and the barrier's route. The freezing of all settlement activity, in accordance with the Quartet road map, and of the construction of bypass roads was mentioned several times as indispensable for the relaunching of the peace process.

27. Many States noted the barrier's associated regime and its negative effects on the Palestinian civilian population: the separation of communities by the creation of closed zones and enclaves, the infringement of property rights and land confiscation, the permit regime and its arbitrary implementation and the additional

restrictions on freedom of movement. With regard to the regime associated with the settlements, mention was made of the bypass roads and the establishment of a network of roads reserved for the settlers.

28. Many States believe that Israel is prepared to accept and implement selective measures, but not to significantly modify its policy towards the Occupied Palestinian Territory. Some States think Israel's objective is to stall for time in order to ensure its control over East Jerusalem and the West Bank by continuing to build the barrier, by expanding the settlements and by implementing other measures that contribute to changing the appearance and demographic make-up of the Occupied Palestinian Territory.

29. Without minimizing the importance of the obligations arising from international law, as reaffirmed in the advisory opinion, the great majority of those consulted recommend proceeding to improve the lot of the Palestinians progressively through the implementation of concrete measures.

B. Proposals

30. Various proposals were made in relation to the barrier. Certain States asked that it be dismantled, while others proposed that changes be made to its route along the Green Line. Still others called for a firm commitment on Israel's part to dismantle the barrier as soon as the security situation becomes satisfactory, or, at the very latest, five years from the present date. Another proposal involved Israel declaring an initial three- to six-month moratorium on the construction of the barrier, as a sign of its commitment to relaunching the peace process. Mention was also made of the fact that no financial contribution should permit or facilitate the construction of the barrier.

31. Restrictions to freedom of movement are recognized as the main cause of the humanitarian, economic and social crisis afflicting the Occupied Palestinian Territory. The situation was considered to comprise two complementary problems of access: one, the access of humanitarian organizations to the populations concerned, and two, the civilian population's access to social and economic goods and services, to its land and to its place of work. A reduction in the number of checkpoints and roadblocks would mean an improvement in freedom of movement among cities as well as between cities and neighbouring villages, and would help to improve the humanitarian situation.

32. It is generally considered imperative that the civilian population's access to schools, hospitals and agricultural land be improved. The normal import and export of goods to and from the Gaza Strip and the West Bank, as well as between these two parts of the Occupied Palestinian Territory, must be guaranteed in order to permit economic recovery. Access between East Jerusalem and the West Bank as well as humanitarian access must be ensured at all times, the latter taking on particular importance in the context of the withdrawal from the Gaza Strip.

33. Other more specific measures were also mentioned, including the release of political prisoners and detained women and the improvement of infrastructure, notably in the water sector. Israel's renunciation at the Sharm el-Sheikh Summit of extrajudicial executions and of its policy of collective punishments, such as house demolitions, is considered a key measure which must be maintained.

34. Dialogue between the parties to the conflict, and support for such dialogue, was emphasized as crucial. Various proposals were made in this regard: dialogue between Israel and the Palestinian Authority, with possible facilitation from third-party States; the establishment of a mechanism to further dialogue between the parties to the conflict, involving the participation by a group of States enjoying the trust of both parties and committed to ensuring respect for the Geneva Conventions; and the establishment of two such mechanisms in parallel, one with Israel, the other with the Palestinian Authority, each with the participation of a group of States enjoying the trust of both parties, and committed to ensuring respect for the Geneva Conventions. The modalities with regard to level (technical or political) and character (formal or informal) as well as follow-up would still need to be defined.

35. Another proposal was for an informal meeting of experts to discuss the challenges to the application of international humanitarian law in the context of the Israeli-Palestinian conflict.

36. A proposal was made for monthly reporting on the implementation of resolution ES-10/15. Another proposal involved establishing a mechanism to centralize all information concerning compliance with the Fourth Geneva Convention and to guarantee its dissemination.

37. Some States referred to the elements mentioned in the Declaration on Palestine adopted at the Ministerial Conference of the Non-Aligned Movement in August 2004 in Durban, South Africa.⁷

C. Position and proposals of parties concerned

38. Israel maintains that the barrier is a temporary measure and justifies its construction on security grounds and the fact that it contributes to saving lives.

39. Changes to the route of the barrier were carried out following the judgement handed down by the Israeli Supreme Court on 30 June 2004 in the *Beit Sourik Village Council vs. the Government of Israel and vs. Commander of the IDF Forces in the West Bank* case. The Israeli Supreme Court held the barrier's construction to be in itself in accordance with international law applicable to an area under occupation if it is necessitated by military needs. Under this condition, the construction of the barrier is within the authority of the military commander. But this authority is inherently temporary as occupation is by definition temporary.

40. The Israeli Supreme Court affirmed the military authorities' obligation to respect international humanitarian law and Israel's own principles of administrative law in their choice of a route for the barrier; in particular the principle of proportionality which requires a balance between military interests on the one hand and the rights and needs of the affected local population on the other. On this basis, the Court nullified certain land requisition orders made by the military, and thus obliged it to modify the barrier's course along the stretches in question.

41. Israel underlines that the barrier's route is subject to constant re-examination in the light of the principles established by the Israeli Supreme Court's judgement in the *Beit Sourik* case. Other hearings relating to the barrier are under way.

⁷ The Declaration can be read at the following Internet site: www.nam.gov.za/media/040820a.htm.

42. Israel states that, since the Palestinian presidential elections and the Sharm el-Sheikh Summit, it has taken a number of steps aimed at easing the Palestinians' lives. Such steps include transfer of cities to Palestinian Authority responsibility; release of prisoners; opening crossing points between Israel and the West Bank and the Gaza Strip; increasing work permits in Israel for Palestinians; easing restrictions on the entrance of Palestinians into Israel; lifting roadblocks and easing movement within the West Bank and the Gaza Strip.⁸

43. Although it has stressed the temporary nature of the barrier, Israel does not want to make any advance promise to dismantle, even if the security situation were to improve. Israel has said that it will pursue its construction of the barrier.

44. As for the mandate, Israel has declared its willingness to cooperate and to pursue a dialogue with the depositary. Israel has also proposed that the depositary present, for the time being, an interim report to the General Assembly, and continue the dialogue. However, Israel is opposed to any form of institutional follow-up.

45. According to Israel, measures it will take in the future, like those mentioned in paragraph 42, will depend on the evolution of the political and security situations. Israel has said that it is not prepared to make commitments within the context of the present mandate.

46. For its part, the Palestinian Authority remains extremely concerned by developments on the ground, in particular by the ongoing construction of the barrier and by the expansion and construction of new settlements in the West Bank and in East Jerusalem. The Palestinian Authority stresses the urgency of the situation, and the fact that developments on the ground are destroying the territorial integrity and unity of the Occupied Palestinian Territory, including East Jerusalem, and undermining the efforts aiming to achieve a just, peaceful and lasting settlement of the conflict based on the two-State solution.

47. The Palestinian Authority is of the view that it is imperative that States make a clear distinction between their relations with Israel as a State and with Israel as an occupying Power in terms of its activities in the Occupied Palestinian Territory, including East Jerusalem. It emphasizes that actions and measures taken by Israel, occupying Power, should be considered and evaluated by States on the basis of the relevant rules and principles of international law, including international humanitarian law and human rights law. The Palestinian Authority expects States to accept their responsibilities under the Fourth Geneva Convention and take the appropriate measures.

48. The Palestinian Authority proposes as an initial measure the establishment of a group of friends with the intention of making regular representations to Israel and convincing it that it must comply with international law, both in keeping with its obligations and in its own interest. Such friends would be drawn from among the States close to Israel.

49. If such a group were unable to bring about a change in Israel's policy, the Palestinian Authority deems that it would be necessary to consider the proposals contained in the Declaration on Palestine adopted by the Non-Aligned Movement in

⁸ See the document "Israeli Assistance Steps and Humanitarian Measures Towards the Palestinians Following the Palestinian Elections and the Sharm el-Sheikh Summit — May 2005", available at www.mfa.gov.il.

August 2004, in particular its calls for vigorous action on the part of the Security Council; for punitive measures aimed at preventing the entry of any products from the settlements, at declining entry of settlers and at imposing sanctions against companies and entities involved in the construction of the barrier and other illegal activities in the Occupied Palestinian Territory; and for the adoption of measures by the High Contracting Parties with a view to ensuring Israel's compliance with its obligations under the Fourth Geneva Convention, especially as regards the punishment of grave breaches.

50. The Palestinian Authority expects a concrete and institutional follow-up to resolution ES-10/15, as well as intensified efforts on the part of the international community.

V. Concluding observations

51. Israel's occupation of the Gaza Strip and the West Bank, including East Jerusalem, is not taking place in a legal void. International humanitarian law, and in particular the Fourth Geneva Convention, constitutes the legal framework applicable to a situation of occupation. It sets out the obligations of all parties to the conflict, as well as those specifically binding upon an occupying Power. It remains essential that it be respected. The advisory opinion of the International Court of Justice confirms the *de jure* applicability of the Fourth Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem, which Israel continues to contest.

52. Israel justifies the barrier on security grounds. There is currently no expectation that Israel will agree to dismantle the barrier, or ensure that it is built entirely along the Green Line. Nevertheless, Israel has declared that the barrier is a temporary security means for the prevention of terrorist attacks. It follows that an improvement in the security situation should make it possible to dismantle the barrier or move it so that it follows along the Green Line and to put a freeze on its construction. A formal commitment from Israel along these lines would contribute to reducing mistrust provided that it is accompanied by a complete freeze on all settlement activities.

53. The Palestinian Authority, for its part, should pursue its efforts and its commitment to contribute to the improvement of the security situation. This includes a strong commitment to reform its security services and improve their performance, to ensure the maintenance of order and security; and to prevent attacks against civilians and prosecute those responsible for such attacks.

54. Israel must continue to take measures on behalf of the Palestinian population in accordance with its international humanitarian law obligations. A number of measures have already been taken, in large part on the basis of judgements handed down by the Israeli Supreme Court. Additional measures are necessary.

55. The improvement of the humanitarian, economic and social situation throughout the Occupied Palestinian Territory remains of primary importance, regardless of developments at the political and security levels. Concrete measures can, moreover, help to re-establish mutual trust.

56. In this context, it is incumbent on Israel, as the occupying Power, to take all necessary measures to facilitate and to promote the movement of persons and goods in the Occupied Palestinian Territory and between that territory and the outside

world. This obligation remains applicable despite possible situations of insecurity. In such circumstances, Israel has the right to take the necessary measures to maintain the security of its armed forces and of its territory, but it must ensure at all times the access of the Palestinian population to essential goods and services.

57. It is imperative that the parties concerned, neighbouring countries and the other High Contracting Parties recognize the urgency of reaching substantial and systemic improvements to the living conditions of the Palestinian population, in particular in terms of access to education, health services, employment, and a productive economic, social, and cultural life. Such measures are all the more important since they are at the centre of a vision of human security which aims to reinforce in time the viability of Palestinian institutions and stability in the region.

58. The consultations suggest that a conference of High Contracting Parties is not the course to be pursued at the moment.

59. Instead, a mechanism promoting dialogue should be envisaged. The depositary has proposed the establishment of two separate dialogue groups, one with Israel, the other with the Palestinian Authority, reporting to the Quartet. These would require the input of other States which have the confidence of both parties and are committed to ensuring respect for the Geneva Conventions. The modalities of these dialogue groups remain to be discussed. These dialogues should further respect international humanitarian law and contribute to the improvement of the humanitarian situation, in particular by promoting the lifting of restrictions imposed on the movement of Palestinian persons and goods within as well as outside the Occupied Palestinian Territory.

60. Despite the fact that the above-mentioned proposals did not enjoy the necessary support from the parties concerned, the depositary continues to consider that the approach is in itself a promising one, and believes that the modalities are worth examining in further detail.

61. The depositary echoes the position of the International Court of Justice. It is also convinced that only a negotiated settlement of the Israeli-Palestinian conflict, based on international law, will ensure peace and security in the region with two States, Israel and Palestine, living side by side.

62. The depositary submits the present report to the General Assembly pursuant to resolution ES-10/15.



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Agenda item 5

Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory

Report of the Secretary-General pursuant to General Assembly resolution ES-10/15

Summary

In paragraph 4 of the resolution ES-10/15 of 2 August 2004 adopted at the tenth emergency special session of the General Assembly, I have been requested to establish a register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion of the International Court of Justice of 9 July 2004 on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem. The present report describes the institutional framework required for the implementation of the decisions contained in paragraph 4 of the above-mentioned resolution.



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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution ES-10/15 of 2 August 2004, adopted at the resumed tenth emergency special session of the General Assembly. In paragraph 1 of the resolution, the General Assembly acknowledged the advisory opinion of the International Court of Justice of 9 July 2004 on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (see A/ES-10/273 and Corr.1), including in and around East Jerusalem. In paragraph 4, the General Assembly requested me to “establish a register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion”.

2. In its advisory opinion, the International Court of Justice had concluded that by the construction of the wall¹ in the Occupied Palestinian Territory, Israel had violated various international law obligations incumbent upon it (para. 143) and that since the construction of the wall entailed the requisition and destruction of homes, businesses and agricultural holdings (para. 152), “Israel has the obligation to make reparation for the damage caused to all the natural and legal persons concerned”. In paragraph 153 of its opinion, the Court said:

“Israel is accordingly under an obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the wall in the Occupied Palestinian Territory. In the event that such restitution should prove to be materially impossible, Israel has an obligation to compensate the persons in question for the damage suffered. The Court considers that Israel also has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result of the wall’s construction.”

3. In my letter to the President of the General Assembly of 11 January 2005 (A/ES-10/294), I presented a general framework for the establishment of the register. Since the submission of that, the Secretariat has made every effort to fulfil the obligation to establish a register of damage. The present report describes the institutional framework required for the implementation of the decisions contained in paragraph 4 of the resolution. In making the following recommendations, I have borne in mind the need for maximum transparency, efficiency, flexibility, impartiality and economy in the institutional framework that would be required for the establishment of the register of damage.

II. Purpose and legal nature of the Register of Damage

4. The register of damage would be known as the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory (hereinafter referred to as the “Register of Damage”). The Register of Damage would be a list or record in documentary form. An office would thus have to be set up that would be responsible for establishing and maintaining the Register of Damage. As noted in my letter to the President of the General Assembly, the registration of damage would be a technical, fact-finding process of listing or

¹ The term used in the present report, “the wall”, is the one employed by the General Assembly.

recording the fact and type of the damage caused as a result of the construction of the wall. It would thus entail a detailed submission process that would include a statement setting out the alleged damage, eligibility for registration and the causality between the construction of the wall and the damage sustained. It would be important to understand that the office of the Register of Damage would not be a compensation commission or a claims-resolution facility, nor would it be a judicial or quasi-judicial body. The act of registration of damage, as such, would not entail an evaluation or an assessment of the loss or damage claimed.

III. Structure and functions of the office of the Register of Damage

5. The office of the Register of Damage would consist of a Board, whose members would be appointed by the Secretary-General in their personal capacity, and a small secretariat composed of an Executive Director as well as substantive, administrative and technical support staff.

A. Headquarters of the office of the Register of Damage

6. Bearing in mind the sensitivity of its function as well as for reasons of practicality and economy, I propose to establish the office of the Register of Damage in the site of the United Nations Office at Vienna.

B. Board

7. As a policymaking organ, the Board would have the overall responsibility for the establishment and maintenance of the Register of Damage. The Board would establish the rules and regulations governing the work of the office of the Register of Damage and determine eligibility criteria, categories of damage and the procedure of registration of claims. On the recommendation of the Executive Director, the Board would have the ultimate authority in determining the inclusion of damage claims in the Register of Damage.

8. The Board would be composed of three independent members, assisted by the Executive Director of the secretariat of the Register of Damage as an ex-officio member. It is of the utmost importance that members of the Board be selected in a way that ensures the independence, objectivity and impartiality of the office of the Register of Damage. Members of the Board would be chosen for their integrity, experience and expertise in such areas as law, accounting, loss adjustment, assessment of environmental damage and engineering. The geographical diversity of the members' nationalities would be an important factor in their selection. Members of the Board would be appointed by the Secretary-General and remunerated only when actually employed.

9. Once the office of the Register of Damage was fully operational, the Board would meet at least four times each year at the office of the Register of Damage to determine which claims should be included in the Register of Damage based on established objective criteria defined in the rules and regulations. In so doing, the

Executive Director of the secretariat would forward damage claims to the Board for its approval. The Executive Director would serve in an advisory capacity.

10. Under the authority of the Board, some technical experts might also be engaged periodically to assist the Board in establishing or maintaining the Register of Damage. These technical experts would comprise specialists in relevant fields including agriculture, land law, topography and in such other fields as may be necessary.

11. The Board would report periodically to the Secretary-General.

C. Secretariat of the Register of Damage

12. The secretariat of the Register of Damage would be responsible for providing substantive, technical and administrative support for its set up and maintenance. It would also provide comprehensive backstopping services to members of the Board. The secretariat of the Register of Damage would be headed by an Executive Director to be appointed by the Secretary-General. The Executive Director would oversee the following functions to be performed by the secretariat of the Register of Damage:

(a) The administration of a public awareness programme to inform the Palestinian public about the possibility of and requirements for filing a damage claim for registration. An extensive community outreach programme to be launched in local Palestinian media by the secretariat would explain the purpose of the Register of Damage and provide guidance on how to fill in the claim form and submit it to the office of the Register of Damage. Such a programme would be especially important in the early stages of the operations of the office of the Register of Damage;

(b) The design of the format of the damage claims as well as the set up of the Register of Damage;

(c) The processing of all the damage claims with a view to submitting them through the Executive Director to the Board for inclusion. The secretariat of the Register of Damage would also be responsible for keeping the records of damage claims approved by the Board. The Register of Damage would include both hard copies of the claims and their electronic version, which would be kept at the office of the Register of Damage;

(d) The legal advice regarding various aspects of the operations of the office of the Register of Damage and the submitted claims;

(e) The administration of the office of the Register of Damage.

IV. Legal status of the office of the Register of Damage

13. The office of the Register of Damage would be a subsidiary organ of the General Assembly operating under the administrative authority of the Secretary-General. The 1946 Convention on the Privileges and Immunities of the United Nations and the 1995 Agreement between the Republic of Austria and the United Nations regarding the seat of the United Nations Office in Vienna would thus apply

to the office of the Register of Damage, its premises, equipment, database and personnel. The secretariat staff would have the status of officials of the United Nations within the meaning of articles V and VII of the Convention, and the members of the Board and technical experts would have the status of experts on mission within the meaning of article VI and VII of the Convention.

V. Process of registration

14. As mentioned in my letter to the President of the General Assembly, in devising the process of registration, eligibility criteria and categories of damage, the Board would be guided by the relevant findings of the advisory opinion, general principles of law and principles of due process of law.

15. In accordance with the advisory opinion, both natural and legal persons who claim to have sustained any form of material damage as a result of the construction of the wall are eligible for compensation. They are thus eligible to request the inclusion of damage in the Register of Damage.

16. In accordance with the advisory opinion, the claimed damage must be material damage, and a causal link would have to be established between the construction of the wall and the damage sustained.

17. In paragraphs 133 and 153 of its advisory opinion, the International Court of Justice described the kinds of damage sustained as a result of the construction of the wall. They include: destruction and requisition of properties, seizure or confiscation of land, destruction of orchards, citrus groves, olive groves and wells and the seizure of other immovable property. Moreover, material damage sustained as a result of the construction of the wall is not limited to lands and crops, but also includes impeded access to means of subsistence, urban centres, work place, health services, educational establishments and primary sources of water in areas between the green line and the wall itself. The categories of such material damage and their eligibility for registration would be elaborated in greater detail by the Board.

18. The most efficient, independent and impartial procedure for the distribution of damage claims forms to the Palestinians and thereafter for its submission in sealed envelopes to the office of the Register of Damage would be defined in the rules and regulations to be prepared by the Board. In the same vein, a decision when and if it would be appropriate for the office of the Register of Damage to engage in a process of verifying the fact and extent of the damage would be taken at a subsequent stage.

VI. Lifespan of the Register of Damage

19. The Register of Damage would remain open for registration for the duration of the wall on Occupied Palestinian Territory. The office of the Register of Damage would remain active for the duration of the process of registration.

VII. Conclusion

20. In keeping with the request of the General Assembly in resolution ES-10/15, the present report sets out the framework for the establishment of the Register of Damage. In reviewing it, the General Assembly may wish to consider adopting a resolution requesting me to establish the Register of Damage along the lines set forth in the present report.



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Agenda item 5

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Protection of the Palestinian civilian population

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution [ES-10/20](#), in which the Assembly requested the Secretary-General to examine the situation in the Occupied Palestinian Territory and to submit a written report containing, inter alia, his proposals on ways and means for ensuring the safety, protection and well-being of the Palestinian civilian population under Israeli occupation, including recommendations regarding an international protection mechanism. The report contains an assessment of the present situation in the Occupied Palestinian Territory, a review of current efforts to assist Palestinians and an assessment of protection options for Palestinians.



I. Context

1. The protection of the Palestinian civilian population under Israeli occupation has long been a concern of the international community. The General Assembly has adopted a number of resolutions relating to this issue, including, most notably, resolution 43/21 of 3 November 1988, resolution 44/2 of 6 October 1989, resolution 45/69 of 6 December 1990, resolution 46/76 of 11 December 1991 and resolution 47/64 E of 11 December 1992. Following the outbreak of the first intifada, the Security Council adopted a series of resolutions on the issue, including resolution 605 (1987) of 22 December 1987, resolution 904 (1994) of 18 March 1994 and resolution 1073 (1996) of 28 September 1996. Further to Council resolution 605 (1987), the Secretary-General issued a report on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation (S/19443), often referred to as the Goulding report, after its principal author. In 2015, the Secretary-General circulated to the Security Council a review of historical precedents for regimes that have been devised to provide various forms of protection for areas of territory and their inhabitants (S/2015/809). Both documents remain relevant as Member States consider potential options for ensuring the safety, protection and well-being of the Palestinian civilian population under Israeli occupation.

2. As noted in the Goulding report, the best way to ensure the safety and protection of the Palestinian civilian population is the negotiation of a comprehensive, just and lasting settlement of the Arab-Israeli conflict. The report identifies four possible types of protection, all of which still apply: physical protection, for example the deployment of armed forces; legal protection, through intervention with the security, judicial and political authorities by an outside agency, such as the United Nations or the International Committee of the Red Cross, in order to ensure just treatment of an individual or group of individuals; general assistance, through the intervention of an outside agency to help individuals or groups of individuals to cope with life under occupation; and protection by publicity, through the presence and attention of the international media.

3. With regard to legal protection, general assistance and protection by publicity, the United Nations already engages in a wide variety of activities aimed at ensuring the safety, protection and well-being of the Palestinian civilian population (see parts III and IV of the present report). Options for enhanced international protection activities and mechanisms that are considered in the present report include:

(a) A more robust United Nations presence on the ground: additional human rights, coordination and political officers could be deployed to provide enhanced monitoring, reporting and situational analysis, to coordinate United Nations activities, to strengthen the Organization's preventive capacities, to increase its visibility and to demonstrate the international community's focus on and commitment to protecting Palestinian civilians under Israeli occupation;

(b) Additional resources and better humanitarian access to ensure the well-being of the civilian population: the expansion of current United Nations programmatic, development and humanitarian assistance could be used to address the needs of Palestinian civilians under Israeli occupation and to strengthen Palestinian institutions more effectively;

(c) Dedicated civilian observers: a civilian observer mission (deployed by the United Nations or a third party) could be established, with a specific mandate to report on protection and well-being issues and to provide local mediation. This would be particularly relevant in sensitive areas, such as checkpoints, the Gaza fence and areas near settlements;

(d) Physical protection: the United Nations, if mandated to do so, could deploy armed military or police forces to act as a deterrent and, if necessary, to ensure the safety of the civilian population. Alternatively, instead of establishing a dedicated United Nations mission, groups of like-minded Member States operating under a United Nations mandate could provide physical protection.

4. For each of these options to be viable, the cooperation of the parties, a sustained cessation of hostilities and additional resources would be necessary. In addition, in the case of the physical protection option, a United Nations mandate would be required, as it would be if the civilian observer mission took the form of a United Nations mission.

II. Introduction

5. Information on the political, security and socioeconomic situation in the Occupied Palestinian Territory is provided regularly to United Nations bodies, including through the monthly Security Council briefings on the situation in the Middle East, reporting on the implementation of Security Council resolution [2334 \(2016\)](#); the annual reports of the Office of the Special Coordinator for the Middle East Peace Process to the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians; and reports from the Secretary-General to the General Assembly and the Economic and Social Council, and from the United Nations High Commissioner for Human Rights highlighting the human rights situation and related Israeli practices in the Occupied Palestinian Territory.

6. As noted in the report of the Middle East Quartet of 2016, negative trends with regard to settlement-related activity, violence and incitement, the absence of Palestinian unity and militant build-up in Gaza imperil the viability of the two-State solution. The Quartet and the Security Council have emphasized the urgent need to stabilize the situation, reverse those trends and create the conditions for a return to meaningful negotiations on the basis of the two-State solution, in line with relevant United Nations resolutions, international law and previous agreements.

7. Settlement expansion continues unabated and constitutes a flagrant violation under international law. The expansion and construction of settlements; efforts to legalize settlement outposts under Israeli law; declarations of land in Area C for exclusive Israeli use as, inter alia, closed military zones; the demolition of property owned by Palestinians; the prevention of Palestinian development; and settler violence are major obstacles to peace. Recent legal and legislative developments in Israel could also change long-standing norms and practices by enabling, under certain circumstances, the use of privately owned Palestinian land for settlement purposes.

8. Violence against civilians, terrorist attacks and militant build-up and activities in Gaza, as well as a lack of accountability, add to the cycle of violence and present serious obstacles to peace. The continued closures imposed on Gaza compound an already dire humanitarian situation. The indiscriminate launching of rockets, mortars and incendiary devices from Gaza towards Israel by Hamas and other Palestinian militants and the digging of tunnels crossing into Israel threaten the lives of Palestinians and Israelis alike. The high number of Palestinians, including children, killed in protests at the Gaza fence since 30 March 2018 reflects an alarming trend in the use of lethal force by Israeli security forces against individuals who may not pose a threat of imminent death or serious injury to others. Reported incidents of excessive use of force by Israeli law enforcement officials have also been a long-standing concern in the West Bank. The detention of Palestinian children by Israel remains of particular concern. Incitement, provocative rhetoric and the glorification of terror

attacks by Palestinian factions perpetuate the conflict, breed mistrust and diminish hope for constructive dialogue.

9. In Gaza, in addition to the closures imposed, 2 million Palestinians live under the rule of Hamas and its increasingly separate legal and administrative system. To date, Fatah and Hamas have failed to demonstrate the necessary commitment to advancing reconciliation, which has exacerbated the dire humanitarian and economic situation and undermined stability. Hamas and other militant groups have previously used civilians as covers for militant activities, carried out extrajudicial executions and used the death penalty, in contravention of Palestinian and international legal obligations.

10. Policies and measures related to the protracted military occupation by Israel and the security measures that it has implemented have a severe impact on the lives of Palestinians in the Occupied Palestinian Territory, including their ability to travel, study, trade and receive basic services. Agreements among the parties and unilateral actions over the past decades have created a reality in which Palestinians in the Occupied Palestinian Territory are subject to different ruling authorities and legal frameworks. In areas A and B, where some 90 per cent of the Palestinian population of the West Bank resides, the Palestinian Authority exercises significant control over governance, civil affairs and civil security. However, Palestinians in Area C of the West Bank live under the full control of the Israeli military authorities, and in East Jerusalem under Israeli civilian laws and institutions.

11. The shrinking space for civil society organizations and human rights defenders remains a cause for concern. There have been incidents where the Palestinian Authority and Hamas have taken actions that have resulted in limits on freedom of expression and, in some cases, arbitrary arrests and the violent suppression of protests. Israel has imposed new restrictions and requirements that could have an impact on Israeli human rights organizations, including some that carry out advocacy work or provide direct humanitarian or legal assistance to Palestinians in the Occupied Palestinian Territory. The Israeli authorities have also detained Palestinians or restricted their movements for exercising their right to freedom of expression.

III. Current United Nations efforts for the protection of Palestinians

12. United Nations deployment in the Occupied Palestinian Territory includes the Office of the Special Coordinator for the Middle East Peace Process and 19 resident and 4 non-resident funds, programmes and specialized agencies, employing a total of around 800 staff, in addition to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Together, they carry out activities aimed at protecting Palestinians, in the form of diplomacy; support for the Palestinian State and institution-building; the provision and coordination of humanitarian aid; monitoring, reporting and advocacy; and other programmatic assistance.

A. Diplomatic activities and preventive diplomacy

13. The Special Coordinator for the Middle East Peace Process represents the Secretary-General in discussions with the parties and the international community on all matters related to United Nations support for the peace process, including the Quartet. The Special Coordinator regularly engages in preventive diplomacy aimed at reducing tensions, preventing violent escalations and mediating among the parties. Diplomatic activities include intensive discussions at the highest levels with the Israeli and Palestinian authorities, as well as with key regional and international actors. The Special Coordinator also engages actively with religious leaders and civil

society groups with a view to countering radicalization and violent extremism. In addition, the Special Coordinator supports intra-Palestinian reconciliation, with the goal of returning Gaza to the full control of the Government of the State of Palestine, based on the principles of the Palestine Liberation Organization and the Quartet.

B. Support for the Palestinian State and institution-building

14. In his capacity as Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, the Special Coordinator supports the work of the United Nations country team in strengthening Palestinian institutions. During 11 years of political division between the West Bank and Gaza and the cycle of violence between Israel and Hamas, the United Nations has striven to mitigate the heavy economic and humanitarian toll taken on Palestinians and on the Palestinian national project.

C. Coordination of humanitarian aid

15. A key pillar of the mandate of the Office for the Coordination of Humanitarian Affairs is the coordination of effective and principled humanitarian action in partnership with national and international actors. The Office is responsible, therefore, for bringing together humanitarian actors to ensure a coherent response to emergencies, with the aim of assisting Palestinians in the Occupied Palestinian Territory when they most need relief or protection. The implementation of the humanitarian country team's policies is coordinated by an inter-cluster coordination group, led by the Office. Many of the responses provided by the various clusters are aimed at addressing protection-related issues.

16. While protection considerations are mainstreamed across the system, the protection cluster, coordinated by the Office of the United Nations High Commissioner for Human Rights (OHCHR), plays a key role in coordinating the provision of specific responses by United Nations and non-United Nations humanitarian organizations aimed at preventing, averting or mitigating protection risks resulting from the occupation, violence and human rights violations. Such interventions include monitoring and documenting violations; carrying out rights-based advocacy among duty bearers; deploying a protective presence for communities at risk; and providing legal and psychosocial support.

17. In addition to promoting coordination among the Government of the State of Palestine, the United Nations, the international community and the Government of Israel for the delivery of assistance in the Occupied Palestinian Territory, the Office of the Special Coordinator for the Middle East Peace Process has also played a central role in facilitating the work of the Gaza Reconstruction Mechanism after the hostilities in 2014.

D. Monitoring, reporting and advocacy

18. The work of OHCHR and the United Nations Children's Fund in regularly monitoring and reporting on the human rights situation provides a detailed and extensive resource for Member State action and allows the United Nations to raise protection concerns in real time with the Israeli and the Palestinian authorities on the ground. United Nations human rights officers deployed by OHCHR in the Occupied Palestinian Territory regularly monitor the situation, record the testimonies of victims, their families and communities at risk of human rights violations, attend court hearings and, at times, monitor clashes and demonstrations. The mandate of

OHCHR includes monitoring human rights violations by the Palestinian Authority and the de facto authorities in Gaza, with a particular focus on detention, fair trial, the use of force, freedom of expression and assembly, the use of the death penalty and gender-related violations. The work of OHCHR is augmented by the reporting of Special Rapporteurs and several commissions of inquiry set up following instances of significant escalation and harm to civilians. The monitoring and analysis work feeds into the five mandated reports submitted annually to the General Assembly and the Human Rights Council.

19. The Office for the Coordination of Humanitarian Affairs, supported by partners, collects data covering a range of protection-related indicators, provides analysis and publishes a number of widely circulated and cited special focus reports and fact sheets on key protection concerns. The Office engages with all relevant duty bearers on access and protection issues and coordinates the humanitarian country team's advocacy work, which is aimed at ensuring that people in need are protected and that assistance is timely, and at increasing respect for international humanitarian law and international human rights law.

20. UNRWA engages with a range of political actors to raise awareness of the situation of Palestine refugees across the Middle East, in the absence of a just and lasting solution to their plight in accordance with General Assembly resolutions. Through its field staff, UNRWA monitors the protection of Palestine refugees and undertakes both private and public advocacy to raise awareness of protection threats among a range of different actors. It also engages with relevant duty bearers with a view to preventing violations of the rights of Palestine refugees under international law. When such violations do occur, it calls for accountability and remedial measures, including through cooperation with United Nations human rights mechanisms.

21. The monitoring on the ground carried out by the United Nations complements that of international and national non-governmental organizations, with activities and personnel specifically devoted to protection. In addition, the advocacy work of OHCHR aims at drawing attention to human rights concerns, specifically allegations of violations of individuals' rights and trends in violations of international human rights law and international humanitarian law, with a view to increasing protection and accountability.

22. A large number of Palestinian, international and Israeli non-governmental organizations constantly monitor the situation, provide real-time alerts, data and analysis on threats to Palestinian civilians and their human rights, and engage in public and legal advocacy for their protection. This network of non-governmental organizations is an integral part of international protection efforts, and many of its activities are sponsored by members of the international community.

E. Programmatic assistance

23. The report of the Secretary-General on assistance to the Palestinian people ([A/73/84-E/2018/72](#)) contains a recent assessment of the assistance provided by the United Nations to Palestinian individuals and communities in all geographic areas of the Occupied Palestinian Territory.

24. The needs of the Palestinian people and the intended United Nations response are reflected in several complementary strategic documents. Under the 2018–2020 Humanitarian Response Plan, \$539.7 million was sought for 2018 to provide access to basic services and deliver assistance to 1.9 million vulnerable Palestinians. As at the end of July 2018, the Plan was 24.5 per cent funded and only 29 per cent of the

protection cluster's funding needs had been met.¹ The United Nations Development Assistance Framework 2018–2022 presents the United Nations strategic response to Palestinian development priorities contained in the National Policy Agenda for 2017–2022, in line with the 2030 Agenda for Sustainable Development.

25. In accordance with its mandate, UNRWA safeguards and advances the rights of Palestine refugees through its programmes, delivering services directly in the areas of education, health, relief, social services, microfinance, infrastructure and camp improvement. In 2017 and 2018, under its emergency programme, it provided food support to more than 1 million food-insecure refugees, mostly in the Gaza Strip. UNRWA also addresses vulnerability and external protection threats through targeted protection programmes, including programmes to empower and promote the resilience of Palestine refugees.

26. The United Nations coordinates and delivers humanitarian assistance in the areas of protection, shelter, food security, water and sanitation, health, nutrition and education, with a particular focus on individuals and communities in the Gaza Strip. As at June 2018, 950,000 litres of fuel had been provided every month, targeting 200–250 critical facilities. In Gaza, the United Nations has cleared aerial bomb sites and is supporting the safe removal of explosive remnants of war. In the West Bank, it has provided emergency agricultural support by restoring access to water for farming households and providing animal feed and in-kind support to farming and herding communities at risk of displacement.

27. Development assistance also continues to be provided throughout the Occupied Palestinian Territory in the areas of education, health, water and sanitation, employment, targeted social protection, food security and agriculture, environment, housing and urban development, rule of law, governance and human rights, with a specific focus on the most vulnerable groups. Young people, women and children have received specific attention, with targeted assistance focused on eliminating and responding to gender-based violence, enhancing capacities in the administration of juvenile justice, and empowering young people through skills training.

28. United Nations funds, programmes and specialized agencies operating in the Occupied Palestinian Territory provide technical assistance and capacity development to Palestinian institutions according to their mandate, with the aim of strengthening the ability of Palestinian institutions to serve and protect the Palestinian people. Employment opportunities for Palestinian workers have increased through United Nations job creation and business development programmes and management training courses.

29. Humanitarian mechanisms implemented by United Nations agencies and international and national non-governmental organizations in Gaza are well established and efficient, but lack the necessary resources. At the same time, donor-driven funding reductions for UNRWA and the humanitarian response, coupled with measures imposed by the Palestinian Authority, including salary cuts affecting at least 20,000 people in Gaza, have created an increasingly complicated and desperate socioeconomic environment. In response, the United Nations has taken steps to identify quick-impact projects, enhance project implementation capacity and strengthen coordination with the Palestinian Authority, Israel and Egypt. These efforts have three overall objectives: reducing the risk of a military conflict with potential regional implications; supporting Egyptian efforts to achieve intra-Palestinian reconciliation to fully empower the Government of the State of Palestine to take up its responsibilities in Gaza; and alleviating some of the underlying drivers of

¹ Financial Tracking Service, Humanitarian Financial Tracking System. Available at fts.unocha.org/appeals/633/summary (accessed on 26 July 2018).

humanitarian need by implementing projects that create jobs, improve water and electricity networks, and support the delivery of health services.

F. Legal protection

30. In the Goulding report, the Secretary-General concluded that the most effective way of ensuring the protection of the civilian population would be for Israel to apply in full the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention). To that end, he recommended that the Security Council consider making a solemn appeal to all the High Contracting Parties to the Fourth Geneva Convention that had diplomatic relations with Israel, drawing their attention to their obligation under article 1 of the Convention to “ensure respect for the present Convention in all circumstances”. In its resolution [681 \(1990\)](#) of 20 December 1990, the Council subsequently called upon the High Contracting Parties to ensure respect by Israel for its obligations under the Convention in accordance with article 1 thereof.

31. To the same end, the Secretary-General subsequently suggested in his report of 31 October 1990 ([S/21919](#)) that the Security Council might wish to call for a meeting of the High Contracting Parties to discuss possible measures that might be taken by them under the Convention to ensure Israel’s respect for it. The Council, in its resolution [681 \(1990\)](#), requested the Secretary-General, in cooperation with the International Committee of the Red Cross, to develop further the idea of convening a meeting of the High Contracting Parties and to invite the Parties to submit their views on the proposal.

32. The General Assembly subsequently implemented the idea and, in a series of resolutions adopted between 1997 and 1999, culminating in resolution [ES-10/6](#) of 9 February 1999, recommended that the High Contracting Parties convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory and to ensure respect thereof in accordance with article 1. A conference was held in 1999, at which participants reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem, and reiterated the need to ensure the full respect of its provisions in that Territory. In 2001, the conference was reconvened and participants called upon the occupying Power to fully and effectively respect the Fourth Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem, and to refrain from violating the Convention. A second conference was convened in December 2014, at which participants made the same call. While the Government of Israel has consistently disputed the de jure applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, since 1967 it has voluntarily applied the humanitarian provisions of the Convention in the Territory, with the exception of East Jerusalem, where it applies Israeli law.

33. The United Nations human rights framework strives to enhance the legal protection, safety and well-being of the Palestinian civilian population under Israeli occupation, ranging from engaging all duty bearers on their obligations under international law to operational activities on the ground. Bodies established under international human rights treaties provide advice to Israel, based on its obligations as an occupying Power, and to the Palestinian Authority, on their respective obligations towards the Palestinian population, and publicly highlight concerns over potential violations. Most of the treaty bodies also provide other States with a forum in which they can make complaints about non-compliance.

34. During the past three decades, the human rights situation in the Occupied Palestinian Territory has come under review by all the relevant United Nations bodies

and mechanisms entrusted with upholding international human rights law, as well as by the International Court of Justice and the International Criminal Court.

35. Reports and decisions by the Human Rights Council have included broad-ranging recommendations, ranging from calling on Israel and the Palestinian Authority to respect and uphold their human rights obligations, to recommending that the Security Council, if certain defined steps were not taken, refer the situation in Gaza to the Prosecutor of the International Criminal Court. The Human Rights Council has an agenda item (item 7) dedicated to the human rights situation in Palestine and other occupied Arab territories, which it considers at three regular annual sessions and, if needed, at special sessions. It also examines the situation in the context of the universal periodic review. The Human Rights Council will continue to serve as a forum in which protection concerns may be raised publicly for intergovernmental attention and action, notably through recommendations contained in resolutions adopted by the Council. The Council's independent special procedures, including the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, provide expert independent analysis of the human rights situation and may make public proposals that include measures to protect the Palestinian population. The Council has also established commissions of inquiry to investigate alleged violations and provide analysis, conclusions and recommendations on accountability for violations of international human rights and humanitarian law.

36. Israel has consistently refused to cooperate with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. Similarly, it has refused to cooperate with or permit access by successive commissions of inquiry and fact-finding missions established by the Council, claiming that such mechanisms are biased against Israel and have been politicized by its adversaries. Citing the same grounds, Israel has also refused to engage in Human Rights Council debates under agenda item 7. With respect to the treaty bodies, Israel has taken the position that its human rights obligations under the United Nations human rights conventions do not extend to the Occupied Palestinian Territory. All treaty bodies have rejected this position, as has the International Court of Justice, which confirmed the extraterritorial application of the human rights obligations of Israel to the Occupied Palestinian Territory in its 2004 advisory opinion.² The advisory opinion of the Court and relevant resolutions of the General Assembly and the Security Council also confirm the *de jure* applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory.

37. On 1 January 2015, the Government of the State of Palestine lodged a declaration under article 12 (3) of the Rome Statute of the International Criminal Court, accepting the exercise of jurisdiction by the Court with respect to alleged crimes committed in the Occupied Palestinian Territory, including East Jerusalem, since 13 June 2014. On 2 January 2015, the Government of the State of Palestine acceded to the Rome Statute by depositing its instrument of accession with the Secretary-General. The Rome Statute entered into force for the State of Palestine on 1 April 2015.

38. On 16 January 2015, the Prosecutor of the International Criminal Court announced the opening of a preliminary examination into the situation in Palestine to establish whether the Rome Statute criteria for opening an investigation were met. That preliminary examination is still ongoing. On 22 May 2018, the Prosecutor received a referral from the State of Palestine of the situation in Palestine since 13 June 2014 with no end date. This referral is without prejudice to the Prosecutor's ongoing preliminary examination.

² *Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

39. The measures above reflect what the United Nations is already doing to ensure the protection of Palestinian civilians; however, these efforts fall short of addressing the concerns for protection of the Palestinian civilian population under Israeli occupation as expressed in General Assembly resolution [ES-10/20](#).

IV. Additional options for protection

40. The present section provides a description and an analysis of possible additional options for protection that Member States might wish to consider as an international protection mechanism, as requested by the General Assembly in its resolution [ES-10/20](#).

Additional resources

41. To enable an enhanced and more visible international presence, additional resources, both human and financial, will be fundamental. However, assistance to and protection operations for Palestinians in the Occupied Palestinian Territory by the United Nations already suffer from an acute shortage of funding. As noted above, only a quarter of the funding needed for the 2018–2020 Humanitarian Response Plan has been provided. In addition, pledges made in 2014 for the reconstruction of Gaza have not been fully honoured by donors. Emergency assistance to Gaza is also constantly at risk of running short of what is needed. The Office of the Special Coordinator for the Middle East Peace Process is currently leading an effort to raise funds for the enhancement of the Organization's capacity to implement projects in Gaza, as well as for the projects themselves, including critical water and electricity infrastructure initiatives.

42. Of particular concern is the unprecedented shortfall in funding for UNRWA. The Agency has had to begin making painful cuts to its emergency assistance in the Occupied Palestinian Territory, including the termination or reduction in working hours of a small portion of its workforce in July. In Gaza, UNRWA has witnessed serious disruption following the announcement of those measures. The Agency's core services, including providing education to some 300,000 children in the Occupied Palestinian Territory, are at risk. Any disruption to the Agency's mandated services would cause hardship to already vulnerable Palestine refugees and could result in increased instability in the Middle East region.

Dedicated civilian observers

43. Although it does not involve physical protection through the potential or actual use of armed force, protection through the presence of unarmed observers (whether police or civilian, and whether deployed by the United Nations or a third party) is another option to be considered. Such a presence could, in cases where gaps are identified in existing monitoring and reporting mechanisms, be deployed provided that the situation on the ground permits. It is worth noting that, in the past, such mechanisms have been deployed by groups of like-minded Member States. An observer mission would normally be deployed to monitor a verifiable ceasefire or other agreement, as part of a transitional framework accepted by all the relevant parties. If such a mission took the form of a United Nations mission, a United Nations mandate would be required.

44. The deployment of an observer mission would require the consent and cooperation of the parties concerned. Such consent and cooperation were and have been forthcoming in the case of the Temporary International Presence in Hebron, the mandate of which states that its observers — wearing a distinctive uniform with a special emblem — assist in monitoring and reporting efforts to maintain normal life

in the city of Hebron, thus creating a sense of security among the Palestinians in Hebron.

Physical protection

45. Physical protection was defined in the Goulding report as “the provision of armed forces to deter, and if necessary fight, any threats to the safety of the protected persons.” However, it was concluded in the report that options for physical protection presented very real difficulties and were not practicable at the time, citing the lack of consent on the part of Israel and the concern that the deployment of such a force would detract from the occupying Power’s responsibilities under the Fourth Geneva Convention. These observations remain as valid today as they were three decades ago. The existing mandates established by the Security Council for the Organization’s missions in the area do not provide for the protection of civilians. It would be up to the members of the Security Council to consider whether to expand any existing mandate in the region.

Protection through United Nations administration

46. In July 2014, during the conflict in the Gaza Strip and southern Israel, the President of the State of Palestine wrote to the President of the Security Council requesting that the territory of the State of Palestine be placed under an international protection system by the United Nations, with the central aim of ensuring the protection of the Palestinian people living in Gaza ([S/2014/514](#)).

47. The Secretariat undertook an internal review of historical precedents for regimes that have been devised over the course of the past 100 years to provide varying forms of protection for areas of territory and their inhabitants. The Secretary-General subsequently shared that review with the members of the Security Council in October 2015 ([S/2015/809](#)).

48. With respect to the instances of administration of territory by the League of Nations or the United Nations that appear in the review, their practicability would depend upon the consent and the cooperation of the relevant parties, including Israel. Whatever potential value such regimes might have in the present context lies in how they might assist in the implementation of a negotiated settlement of the conflict or as transitional arrangements on a negotiated path to a two-State solution.

V. Observations

49. The protection of civilians is a critical component in maintaining peace and security and in the prevention agenda that I laid out in May 2017, which prioritizes United Nations action to help countries to avert the outbreak of crises that take a high toll on humanity, undermining institutions and capacities to achieve peace and development. As detailed in the present report, the United Nations is already undertaking many protection initiatives. However, the measures taken fall short of the protection concerns for the Palestinian civilian population mentioned in General Assembly resolution [ES-10/20](#). While the underlying solution for all protection challenges is political, until such a solution is achieved, Member States may further explore all practical and feasible measures that will significantly improve the protection of the Palestinian civilian population. Such measures will also improve the security of Israeli civilians.

50. In accordance with international human rights law, everyone must uphold and ensure respect for the right to life. While allowing States to take actions necessary for protecting their security, international law, including principles that are codified in

the Fourth Geneva Convention, obliges all States and non-State parties to a conflict to ensure respect for the sanctity of life, including through the principles of distinction, precaution and proportionality. The targeting of civilians, particularly children, is unacceptable. I call upon all concerned to refrain from any act that could place civilians in harm's way. I remind all parties of their obligations under international humanitarian law to protect civilians and civilian infrastructure, not to make civilian infrastructure the object of attack, to respect and protect medical personnel, and not to direct attacks against hospitals and other medical facilities, as recalled by the Security Council in its resolution [2286 \(2016\)](#). Those responsible for violations of international humanitarian law must be held accountable.

51. After more than 50 years of Israeli military occupation, Palestinians in the West Bank, including East Jerusalem, and in the Gaza Strip remain particularly vulnerable to violence, intimidation, loss of property and income, and various violations of international humanitarian and human rights law. The combination of a prolonged military occupation, constant security threats, weak political institutions and a deadlocked peace process provides for a protection challenge that is highly complex politically, legally and practically. Operations in Gaza also face difficulties for security and financial reasons. All duty bearers have responsibilities for the protection of Palestinian civilians in accordance with the applicable law. As detailed in the present report, the United Nations will continue to employ means to protect Palestinian civilians under these challenging circumstances.

52. Even in the current absence of a final status agreement, opportunities are also available for increased efforts by the United Nations to mediate and facilitate understanding with regard to the protection of civilians and critical civilian infrastructure, as well as with regard to incremental steps leading towards the resolution of political stalemates. The expansion of existing protection mechanisms to prevent and deter future violations could be explored, including but not limited to the deployment of additional political affairs, human rights and coordination officers to enable enhanced monitoring, situational analysis and coordination of protective presence and protection responses. The deployment by the United Nations of armed military, armed or unarmed police forces or unarmed observers, whether military or civilian, would require a United Nations mandate and the consent and cooperation of the relevant parties on the ground.

53. It is crucial that ongoing United Nations efforts to ensure Palestinians' protection, safety and well-being be maintained and strengthened, particularly in the light of the current financial shortfalls faced by humanitarian and development agencies on the ground, in particular UNRWA. I urge all Member States to step up their financial contributions and political support for these efforts.

54. I reiterate the call that I made before the Human Rights Council in 2017, that we must speak up for human rights in an impartial way, without double standards, not allowing them to be instrumentalized as a political tool, while upholding the rule of law and the need for justice and accountability. I call upon all Member States to work with me and with the parties to help them to secure their rights and to fulfil their obligations in full equality and humanity and in accordance with international law.

55. Support for efforts to return Gaza to the control of the Government of the State of Palestine, in line with the principles of the Palestine Liberation Organization and the Quartet, is critical to the long-term protection of Palestinians in Gaza and the alleviation of the dire humanitarian and economic situation, through a lifting of the Israeli closures, in line with Security Council resolution [1860 \(2009\)](#). I strongly support the effort being led by the Special Coordinator for the Middle East Peace Process to fast track critical infrastructure projects in Gaza. This collaborative approach, which addresses the political, security, economic and humanitarian

dimensions of the situation in the Occupied Palestinian Territory, in accordance with United Nations resolutions, exemplifies my vision of a United Nations system — humanitarian, development and political — working together to achieve shared political objectives.

56. Increased United Nations efforts, including through the Quartet, in support of achieving a lasting political resolution to the conflict are critical, as ultimately such a resolution is the only way to achieve the full protection of Palestinians. This tragedy underlines the urgency of revitalizing the peace process. It is only by realizing the vision of two States living side-by-side in peace, security and mutual recognition, with Jerusalem as the capital of Israel and the State of Palestine, and all final status issues resolved permanently through negotiations, that the legitimate aspirations of both peoples will be achieved.



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Agenda item 5

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 24 July 2020 from the Secretary-General addressed to the President of the General Assembly

In accordance with paragraph 6 (h) of General Assembly resolution [ES-10/17](#), I have the honour to transmit herewith the progress report, dated 1 July 2020, from the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the General Assembly.

(Signed) António Guterres



Annex

Letter dated 1 July 2020 from the members of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory addressed to the Secretary-General

We have the honour to provide the progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory for transmission to the General Assembly, in accordance with paragraph 6 (h) of Assembly resolution [ES-10/17](#) (see enclosure).

We request that the progress report be issued as a document of the General Assembly. Our 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019 progress reports were issued as documents [A/ES-10/455](#), [A/ES-10/498](#), [A/ES-10/522](#), [A/ES-10/598](#), [A/ES-10/599](#), [A/ES-10/658](#), [A/ES-10/683](#), [A/ES-10/730](#), [A/ES-10/756](#), [A/ES-10/801](#) and [A/ES-10/821](#), respectively.

(Signed) Ronald **Bettauer**
Member of the Board

(Signed) Harumi **Hori**
Member of the Board

(Signed) Matti **Pellonpää**
Member of the Board

Enclosure

Progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory

1. The Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory provides the present progress report, in accordance with paragraph 6 (h) of General Assembly resolution [ES-10/17](#), covering the period from 22 June 2019 to 1 July 2020. The 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019 progress reports of the Board were contained in documents [A/ES-10/455](#), [A/ES-10/498](#), [A/ES-10/522](#), [A/ES-10/598](#), [A/ES-10/599](#), [A/ES-10/658](#), [A/ES-10/683](#), [A/ES-10/730](#), [A/ES-10/756](#), [A/ES-10/801](#) and [A/ES-10/821](#), respectively. Board progress reports, as well as other basic documents pertinent to the work of the Register of Damage, are posted on the website of the Register (www.unrod.org).
2. During the reporting period, the Register of Damage continued to undertake outreach activities in the Occupied Palestinian Territory in order to collect, process and consider claim forms for inclusion in the Register in accordance with its Rules and Regulations Governing the Registration of Claims.
3. Since its launch in 2008, the community outreach campaign has been conducted in Jenin, Tubas, Tulkarm, Qalqiliya, Salfit, Ramallah, Hebron, Bethlehem and Jerusalem Governorates, which comprise a population of more than 1.3 million inhabitants. In addition, specialized outreach activities have been conducted during the reporting period in 16 municipalities that have sustained damage to property belonging to communities. Thousands of printed posters and leaflets have been distributed to inform potential claimants of the requirements for completing a claim for registration of damage. During the reporting period, more than 50 meetings were held by the claim intakers of the Register of Damage based in the Occupied Palestinian Territory with governors, mayors, local councils and potential claimants in the areas covered by the outreach campaign. In addition, the Register of Damage organized two specialized seminars for mayors and local council officials from the municipalities that had sustained damage to property belonging to communities on legal and organizational aspects of claim intake of category F (public resources and other) losses. The first such seminar was held in October 2019; the second, which was scheduled to be held in April 2020, was cancelled owing to the restrictions on movement resulting from the coronavirus disease (COVID-19).
4. By 1 July 2020, 71,547 claim forms for registration of damage and more than 1 million supporting documents had been collected and delivered to the Office of the Register of Damage in Vienna. Claim-intake activities had been carried out in all nine affected governorates: Jenin, Tubas, Tulkarm, Qalqiliya, Salfit, Ramallah, Hebron, Bethlehem and Jerusalem.
5. As at 1 July 2020, the Board had decided to include in the Register some or all of the losses set out in 36,023 claim forms and to exclude 1,234 claim forms in which none of the losses met the eligibility criteria, bringing the total number of decided claims to 37,257.
6. During the reporting period, the Office of the Register of Damage continued to process the claim forms with diligence, although the processing of claims was slowed, starting in March 2020, by the stay-at-home and reduced office attendance measures taken by the United Nations to mitigate the risks of COVID-19. The considerable gap between the number of claim forms collected and the number processed by the Office is narrowing.

7. The Board held two meetings in Vienna to review claim forms that had been translated, processed and individually reviewed by Office staff, from 16 to 20 September and from 2 to 6 December 2019. In the light of the financial liquidity crisis at the United Nations and as a cost-saving measure, it was planned that back-to-back meetings would be held in Vienna from 22 June to 3 July 2020. Those meetings had to be cancelled owing to the COVID-19 pandemic and travel restrictions. Nevertheless, the Board held video conferences with the secretariat on 18 May, 29 June and 1 July 2020 to discuss various matters related to Register activities, including the review and approval of the present report.

8. At its meetings in Vienna in September and December 2019, the Board reviewed and decided to include in the Register some or all of the losses set out in 860 claim forms and 960 claim forms, respectively. It decided not to include 36 claim forms at the first meeting and 31 claim forms at the second meeting, since none of the losses in the forms met the eligibility criteria in the Rules and Regulations of the Register of Damage.

9. Of the claim forms reviewed during the reporting period, 1,517 contained claims for category A (agriculture) losses, 151 for category B (commercial) losses, 3 for category C (residential) losses, 160 for category D (employment) losses, 65 for category E (access to services) losses and 4 for category F (public resources and other) losses.

10. In its review of claims, the Board continued to apply the eligibility criteria in accordance with article 11 of the Rules and Regulations. In view of the limited time available and the large number of claims for losses included in claim forms forwarded to the Board by the Executive Director of the Register Office, the Board continued to employ sampling techniques as provided for in article 12 (3) of the Rules and Regulations. During the two meetings covered by the present report, Board members reviewed in detail approximately 10 per cent of the claims for losses included in the forms submitted for review. As indicated in the Board report of 2012, the Executive Director of the Register consulted a statistician informally concerning the sampling methodology applied by the Board. The level of sampling is within statistical parameters of reliability. Claims that did not meet the eligibility criteria were either excluded from the Register or returned to the claimants for clarification.

11. The Board identified some of the issues addressed and decisions reached during previous reporting periods. The following are among the issues addressed and decisions reached by the Board during the present reporting period:

(a) *Certificates of legacy issued by ecclesiastical courts.* The Board decided several claims submitted by members of Christian churches, who claimed, in accordance with the local practice followed by ecclesiastical courts, such as the Latin Ecclesiastical Court in the Occupied Palestinian Territory, a share in a deceased person's estate on the basis of the principles of sharia law. In such cases it has been the Board's practice to accept the share allocation set out in certificates of legacy issued by local courts as sufficient evidence of the claimant's interest and share in the claim. The secretariat is continuing its research on that matter.

(b) *Illegal employment in Israel.* The Board decided not to include in the Register claims for employment losses in which the claimants explicitly stated or otherwise indicated that they were working illegally in Israel or that they were crossing into Israel illegally, on the basis that the claimants had not established interest in a loss caused by the Wall.

(c) *Employment losses caused by delays at barrier gates.* In some category D (employment) claims, the claimants asserted that, after the construction of the Wall, in order to reach their workplaces, they had to travel a long distance to the designated barrier gate, where they had to endure delays and were subjected to searches. Consequently, reaching the workplace became difficult and they arrived late or not at

all. As a result, some of them were dismissed for absenteeism or tardiness, penalized with pay cuts or forced to work part-time. Moreover, their transportation costs increased considerably. In those cases, the Board decided that additional transportation costs and losses stemming from reduced employment could be included in the Register as long as all other eligibility criteria were met.

(d) *Evidence of employment on agricultural land.* Some claimants submitted claims as farm workers who used to work on privately owned lands located in the Occupied Palestinian Territory and claimed employment losses caused by the complete loss of access to their workplaces after the construction of the Wall, owing to lack of permits. Those claimants provided letters from their employers confirming that they had been working on the employers' lands at the time of the construction of the Wall. In those cases, the Board decided that such documents constituted sufficient corroboration of the claimants' employment at the time of the construction of the Wall, where there was evidence of the employers' right (as owner/co-owner, tenant/co-tenant or user with permission) to use the land on which the claimants used to work.

(e) *Salary deductions.* The Board decided that pay cuts stemming from forced absenteeism or tardiness caused by delays at Wall crossings could be recorded as a "salary deduction" loss, whenever the claimant had provided evidence of employment and a credible statement and all other eligibility criteria had been met.

(f) *Work permits issued after the construction of the Wall.* Some claimants asserted that their respective employers had refused to renew their work permits after the construction of the Wall, out of fear that the restrictions on access would prevent the claimants reaching their workplaces even if they possessed a permit, which had resulted in the loss of employment. The Board decided that such situations were borderline cases and should be considered individually. They could be accepted for inclusion in the Register only if the narrative was consistent with other claims pertaining to the same location and any reference to "closures" indicated a link to restrictions on access that were a part of the Wall system. In other situations, where the loss of employment was more likely to be the consequence of an employer-caused difficulty, the claims should not be included in the Register.

(g) *Category F claims not meeting formal requirements.* The Board decided that all Category F claims received after 20 September 2019 not meeting the formal requirements detailed in paragraph 12 would be deferred by the Board and returned to the claimants to rectify the submission accordingly. However, the Board also decided to reserve the right to review and decide claims in exceptional circumstances should the formal requirements not be met, provided that all the required information was available in the submitted claim.

12. The Board continued to consider a variety of claims relating to, inter alia, institutional public resources. During the reporting period, it considered four claims submitted by communities asserting that one or more roads had been damaged by the Wall, that access to the remaining portion of the road on the Israeli side of the Wall had been lost, and that access to land had been lost or restricted. The Board noted that, in early public resource claims submitted, claimants had provided only a very brief statement describing the village in question and when the Wall had been built there, a paragraph describing the road that was claimed to be damaged or circumstances affecting the land in question, a short statement confirming that the head of the village council had the authority to submit the claim, and the sections of Law No. 1 of 1997 on Palestinian local authorities giving responsibility for local roads to village councils (art. 15) and authorizing heads of village councils to take legal actions (art. 16). The Board continued to ask that the staff encourage Palestinian institutions to include in future public resource claims statements that systematically provided: (a) a detailed description of the claimed loss; (b) a description of the affected location; (c) the time

frame in which the loss had occurred; (d) a description of the circumstances leading to the loss as a result of the construction of the Wall in the Occupied Palestinian Territory; (e) a description of the impact of the loss; (f) a description of the costs incurred or expected to be incurred; and (g) any other relevant information.

13. The Board took note of the report of the Office of Internal Oversight Services (OIOS) entitled “Audit of the United Nations Register of Damage” dated 9 April 2020 (report 2020/006). While the OIOS audit report’s assessment and its satisfactory outcome related to governance, control processes and the effective management of the Register of Damage is appreciated, the Board regrets that the Board members, who have overall responsibility for the establishment and maintenance of the Register of Damage under General Assembly resolution [ES-10/17](#), were not consulted during the drafting of the report and were not given an opportunity to comment before it was finalized.

(a) The report contained a seriously misleading statement, namely: “[The Register of Damage] expected that by the end of 2019, it will have largely completed the claims intake work in all the 271 communities affected by damage due to the construction of the Wall.” That statement implies that all the work of collecting claims related to the damage created by the construction of the Wall in the Occupied Palestinian Territory will soon be completed. However, while claim intake work has been conducted in the great majority of the 271 communities affected to date, only approximately 66 per cent of the planned Wall has been constructed; more than an additional 10 per cent is currently under construction and a further 20 per cent is planned.

(b) The claim intake process and the consideration of the eligibility of claims for inclusion in the Register will need to continue for the foreseeable future, given the number of still-outstanding potential claims and the continued construction of the Wall, which may result in new damage claims. The Office will also continue with the collection of claims due to Wall rerouting losses, new agricultural losses (for example, fires and floods) as well as new employment, educational and institutional claims (for example, losses relating to public resources, such as water, environment and infrastructure, and to religious property and projects). The claim intake staff will also need to follow up in the field on questions that arise from the processing of claims that have already been filed.

(c) Furthermore, resolution [ES-10/17](#) clearly provides that the Register of Damage “shall remain open for registration for the duration of existence of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem”.

The Board therefore sent a letter to the Director of the Internal Audit Division of OIOS, dated 26 May 2020, requesting that the misleading statement be corrected and, if that was not possible, that its letter be annexed to the report and posted alongside it on any website on which the report appeared, and that it be distributed with the report as well. The Board is pleased to note that its letter has been annexed to the report and published alongside it on the OIOS website.

14. Claim intake activities and a portion of the outreach activities in the Occupied Palestinian Territory are funded by extrabudgetary contributions. Such voluntary contributions have been received from the Governments of Algeria, Austria, Azerbaijan, Belgium, Brunei Darussalam, Finland, France, Jordan, Kazakhstan, Malaysia, Malta, Morocco, the Netherlands, Norway, the Philippines, Qatar, Saudi Arabia, Switzerland and Turkey, as well as the European Commission and the Organization of the Petroleum Exporting Countries (OPEC) Fund for International Development. More than \$8.5 million has been donated since the establishment of the Register of Damage. Several Governments, as well as the OPEC Fund, have donated to the Register twice or more.

15. The Board would like to express its appreciation to those donors for providing funding and political support enabling the implementation of the provisions of resolution [ES-10/17](#).

16. Since January 2018, claim-intake activities in the Occupied Palestinian Territory have been conducted by a small team of three claim intakers. Since April 2020, there has been funding for only one claim intaker operating in the Occupied Palestinian Territory. Unfortunately, those donor funds will be exhausted by the end of December 2020 and the claim collection programme of the Register in the Occupied Palestinian Territory will have to be suspended if no additional resources are made available in the very near future. The Board continues to stress that, in order to sustain the claim collection programme in the Occupied Palestinian Territory effectively, even at a reduced level, funding for one three-person claim-intake team is urgently required. The secretariat will continue to contact potential donors that have already contributed to funding the Register's claim-intake activities, as well as potential new donors.

17. As before, the Board would like to express its appreciation for the indispensable cooperation extended by the Palestinian National Authority and the Palestinian National Committee for the Register of Damage, as well as for the support provided by local governors, mayors and members of village councils on many practical matters, without which outreach and claim-intake activities could not be undertaken successfully. As for the Government of Israel, it continues to consider that any claims in relation to damage caused by the construction of the Wall should be addressed through the existing Israeli mechanism. On the practical level, the Executive Director of the Office of the Register of Damage continued to maintain constructive contacts with relevant Israeli authorities until his retirement in May 2020, and the Office of the Register of Damage did not experience any problems with access, the delivery of needed materials or the issuance of required visas until the outbreak of COVID-19. The outbreak has had a severe impact on the operations of the Register of Damage in the Occupied Palestinian Territory and has caused various delays in achieving the desired outcomes by restricting the access and movement of claim intakers in carrying out critical functions for outreach and collection of claims in targeted local communities. The Register of Damage will resume its operations on the ground once the COVID-19-related restrictions on movement in the Occupied Palestinian Territory are lifted and those functions can be safely resumed.

18. The Board of the Register of Damage notes with satisfaction the good cooperation with United Nations agencies and offices present on the ground in the Occupied Palestinian Territory, as called for in paragraph 14 of resolution [ES-10/17](#). The Board especially appreciates the efficient and tangible contribution provided by the United Nations Office for Project Services in the areas of logistics, procurement, human and financial resources, and management in support of the Register of Damage. During the reporting period, the Register of Damage also continued to benefit from the advice and assistance of the Under-Secretary-General for Political and Peacebuilding Affairs and from the cooperation of the Department of Political and Peacebuilding Affairs.

19. The Board wishes to thank Mr. Vladimir Goryayev, who served as the Executive Director of the Office of the Register of Damage from 2008 until his retirement in May 2020, for his dedicated service to the Organization. The recruitment process for the post is ongoing. In the interim, the Senior Legal Officer is performing the duties of Officer-in-Charge of the Office of the Register.

20. The Board commends the staff of the Office of the Register of Damage for their diligent and dedicated work.

21. The Board of the Register of Damage will continue to provide periodic reports.