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ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION



**DEPORTATION OF PALESTINIANS AND OTHER ISRAELI PRACTICES
AMONG THEM THE MASSIVE IMMIGRATION AND SETTLEMENT OF
JEWS IN ALL OCCUPIED TERRITORIES IN VIOLATION OF
INTERNATIONAL LAW PARTICULARLY THE FOURTH GENEVA
CONVENTION OF 1949**

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CONTENTS

	Page No.
I. INTRODUCTION	1-2
II. DELIBERATIONS DURING THE 43RD SESSION HELD IN BALI, REPUBLIC OF INDONESIA (2004)	2-4
III. ISRAEL'S VIOLATIONS OF INTERNATIONAL LAW INCLUDING UNITED NATIONS SECURITY COUNCIL AND GENERAL ASSEMBLY RESOLUTIONS	4-10
A. Israeli Violations of the Fourth Geneva Convention In the Occupied Palestinian Territory (OPT)	
B. United Nations Security Council and General Assembly Resolutions	
IV. INTERNATIONAL COURT OF JUSTICE ADVISORY OPINION ON LEGAL CONSEQUENCES OF A WALL IN THE OCCUPIED PALESTINIAN TERRITORY	10-15
V. UN GENERAL ASSEMBLY EMERGENCY SESSION ADOPTS RESOLUTION CALLING ISRAEL TO COMPLY WITH ICJ ADVISORY OPINION	16-16
VI. PALESTINIANS ELECTS THEIR NEW PRESIDENT FOLLOWING THE DEATH OF PRESIDENT YASSER ARAFAT	16-17
VII. SHARM-EL SHEIKH SUMMIT: ISRAEL AND PALESTINE DECLARE CEASEFIRE	17-18
VIII. OTHER MAJOR DEVELOPMENTS	18-28
IX. GENERAL COMMENTS	28-30

DEPORTATION OF PALESTINIANS AND OTHER ISRAELI PRACTICES AMONG THEM THE MASSIVE IMMIGRATION AND SETTLEMENT OF JEWS IN ALL OCCUPIED TERRITORIES IN VIOLATION OF INTERNATIONAL LAW PARTICULARLY THE FOURTH GENEVA CONVENTION OF 1949

I. INTRODUCTION

1. The item “Deportation of Palestinians in Violation of International Law particularly the Fourth Geneva Convention of 1949 and the Massive Immigration and Settlement of Jews in Occupied Territories”, was taken up, at the initiative of the Government of the Islamic Republic of Iran at the AALCO’s 27th Session which was held in Singapore (1988). During the Session the delegation of the Islamic Republic of Iran pointed out that: “The Zionist entity (Israel) had deported a number of Palestinians from Palestine, the deportation of people from occupied territory, both in past and recent times constitutes a violation of the principles of international law as well as provisions of international instruments and conventions such as the Hague Conventions of 1899 and 1907, the UN Charter of 1945, and the Geneva Convention Relative to Protection of Civilian Persons in time of War, 1949 all of which prohibit deportation as a form of punishment, in an occupied territory.” The Government of Islamic Republic of Iran, after a preliminary exchange of views had submitted to the AALCO Secretariat a memorandum, and the Secretariat was called upon to study the legal consequences of the deportation of Palestinians from occupied territories. The item has since been discussed at successive sessions¹ of the Organization as part of its Work Programme.

2. At the 34th Session held in Doha (1995) the Organization, *inter alia* decided that this item be considered in conjunction with the question of the Status and Treatment of Refugees. At its 35th Session (Manila, 1996) after due deliberations the Secretariat was directed to continue to monitor the developments in the occupied territories from the view point of relevant legal aspects.

3. The study prepared for the 36th Session (Tehran, 1997) apprised the AALCO Member States of the developments in the occupied territories which could lead to deterioration of the situation in the region and to resumed cycle of tension and violence, endangering peace and security in the Middle East.

4. For the 37th (New Delhi, 1998) Session, the Secretariat brief monitored the situation, which unfortunately was not satisfactory. The Israeli Government had continued to evade the implementation of the agreements, among them the Wye River memorandum (1998) which *inter alia* comprised of steps to facilitate the implementation of the Israeli-Palestinian Agreement of 1995 and other related agreements, including the Note of the Record of 1997 and commitments that had been agreed upon, thus endangering the whole peace process. At that Session the scope of the topic was expanded to “Deportation of Palestinians and other Israeli Practices”. The item

1. The topic has been considered at the 28th (Nairobi); 29th (Beijing); 30th (Cairo); 31st (Islamabad 1992); 32nd (Kampala 1993).

“Deportation of Palestinians and other Israeli Practices among them the Massive Immigration and Settlement of Jews in the Occupied Territories in Violation of International Law Particularly the Fourth Geneva Convention of 1949” was placed on the agenda of the 38th Session (Accra 1999).

5. For the 39th(Cairo, 2000) Session, the Secretariat monitored the situation in the Middle East and observed that the year 1999 had witnessed important regional and international meetings aimed at saving the peace process and enhancing the applicability of the rule of law and implementation of the agreements signed between the parties. However, while the negotiations concerning the final settlement of the Middle East Peace Process had gained momentum, yet there were many uncertain factors, one of the most important being the Israeli Government’s continued illegal and destructive settlement activities. During this session it was decided to enlarge the scope of the item and the Secretariat was directed to monitor the developments in (all) occupied territories from the viewpoint of relevant legal aspects.

II. DELIBERATIONS DURING THE 43RD SESSION OF AALCO HELD IN BALI, INDONESIA (2004)

6. Deliberations during the 43rd session of AALCO (Bali, Indonesia, 2004) endorsed the view that Palestinian issue warranted serious international attention and commitment. Delegates who took part in the deliberations condemned all Israeli practices that violate international law, including the illegal construction of a wall in the occupied Palestinian territory.

7. One delegate noted that Israel indulged in illegal activities inside the occupied Palestinian and Arab territories, such as forced deportations of Palestinians from their homeland, the expansion of the Israeli settlements at the expense of the Palestinian land and the continuation of building the racist separation wall, coincided with Israel’s obstinate persistence to continue its policies of extra judicial killings of civilians and national leaders, expropriation of land and demolition of houses. While many political initiatives, regional and international plans were being discussed to resolve the Palestinian cause through peaceful political means and negotiations, the inexplicable paradox continued to unfold and the elected president of the Palestinian people was under a house arrest at the so-called ‘Muqata’ in Ramallah by Israel. He termed this all as Israel’s adamant and recalcitrant continued disregard to the international community, UN resolutions, Geneva conventions and references to international legality and legitimacy with utter impunity.

8. Another delegate observed that the issue was being discussed at a time when there was a flagrant violation of rights of the Palestinian people. He said that as a legal body we focus on the legal issues involved particularly the Fourth Geneva Convention of 1949. He said that in addition to violations of humanitarian law there were also violations of human rights. These violations were in the form demolition of houses, detention of civilians, assassination of leaders, construction of wall, change of demography, attacks on women, children and old people etc. He pointed out that League of Arab States, NAM

and other international organizations condemned these violations. While referring to the Arab Peace Initiative and the Road Map he expressed concern about the situation of Palestinian people and said that Israel did not respect culture of peace.

9. Similar sentiments were expressed by another delegate that they viewed seriously and condemned any act, which was in breach of international humanitarian laws governed by the relevant legal instruments. He said that his country continued to be highly concerned with the Israeli practices on the occupied territory, which continue to harm and displace many Palestinians on their own soil. He reiterated that they have always been supportive of the struggle of the Palestinian people and condemned the aggressive activities of the Israelis towards civilians in the occupied territory. Expressing concern about the recent construction of the Wall in the Occupied Territory and the escalating violence in the Middle East, he informed that his country has been actively voicing its concerns in the General Assembly of the United Nations and submitted written statements and participated in the oral hearing of the International Court of Justice Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.

10. Deep concern were expressed by one delegate about the continuing dangerous deterioration of the situation in the occupied Palestinian Territory and the severe consequences of continuous illegal Israeli settlement activities. He noted with a grave concern that for more than 35 years, Israel has administered a military occupation of the West Bank, the Gaza Strip and East Jerusalem in consistent and relentless defiance of international law. Therefore, his Delegation was of the view that all peace-loving nations need to compel Israel to abide international law so that a just and equitable solution could be found for the Palestinian problem. He also welcomed the request for an advisory opinion submitted by the United Nations General Assembly (UNGA Resolution A/RES/ES-10/14 of 8 December 2003) on the question of what are the legal consequences arising from the construction of the Wall being built by Israel in the Occupied Palestine Territory, including East Jerusalem.

11. Another delegate expressed disappointment that no firm progress had been made in eliminating the flagrant violation of international law principles and the occupation of territories in violation of the UN resolutions. He condemned the atrocities inflicted by Israel, i.e. killing, detaining and destroying of properties of the innocent Palestinians, as clear violation of the principles of international law as well as the provisions of international instruments, including the four Geneva Conventions of 1949. He extended his Delegation's support to Palestine and strongly condemned and deplored continued suppression of right to self-determination of Palestinian people, despite the fact that this right had been recognized as *jus cogens* norm of international law. He reiterated his full support to the Palestinian Delegation in their struggle, in accordance with the resolutions of the United Nations General Assembly.

12. One delegate said that in course of the past decades, Israeli actions and policies have turned the Middle East into a region constantly engulfed in a cycle of bloodshed and crisis. Referring to the Secretariat report, he said that Israel since 1996 considered plans for the construction of a wall in the Occupied Palestinian Territory and the first phase of

such a racist wall began in 2002. This regime declared the security reasons as the legal base of the plan, and unduly and unreasonably raised the theme of right to defend its citizens. It was without doubt that such a justification was baseless and there was no foundation for it in international law. In fact, the Wall must be seen in the context of the continued attempts by Israel to deprive the Palestinians of their inherent national rights, this time under the guise of security. The Delegate referred to the report of the Special Rapporteur of the Commission on Human Rights and the report of the UN Secretary General to the Security Council, wherein it was mentioned about the humanitarian impact following the construction of barrier.

III. ISRAEL'S VIOLATIONS OF INTERNATIONAL LAW INCLUDING UNITED NATIONS SECURITY COUNCIL AND GENERAL ASSEMBLY RESOLUTIONS

13. For more than 35 years, Israel has administered a military occupation of the West Bank, the Gaza strip and East Jerusalem in consistent and relentless defiance of the will of the international community.² The international consensus has been expressed through widely supported resolutions passed by the UN Security Council (UNSC) and UN General Assembly (UNGA). The Security Council Resolutions 242 and 338 affirmed the legal obligation of Israel to withdraw from Palestinian territories obtained in the 1967 six-day war. This must be the end point of any peace process that can lead to a lasting and just peace.

14. Until such time as Israel respects this obligation, the relevant principles of international law that need to be implemented are contained in the Fourth Geneva Convention concerning the Protection of Civilian Persons in Time of War, 12 August, 1949, in particular those provisions of the Convention that require an occupying power to protect the status quo, human rights and prospects for self determination of the occupied people. The Convention also obliges all State Parties to enforce the Convention in the face of "grave breaches". Since 1967, Israel has refused to accept this framework of legal obligations. Not only has Israel failed to withdraw from the occupied territories, but during the occupation Israel has created facts, heavily armed settlements, bypass roads and security zones in the midst of a future Palestinian State that seriously compromise basic Palestinian rights.

A. Israeli violations of the Fourth Geneva Convention in the Occupied Palestinian Territory (OPT)

15. Various provisions of the Fourth Geneva Convention dealing with the protection of civilians are applicable to the Occupied Palestinian Territory (OPT). There have been large-scale violations of Convention obligations by Israel to the utter dismay of

². Beyond Oslo: The new uprising International law and the al-Aqsa Intifada – Middle East Report 219, Winter 2002

international community. Both parties to the conflict are parties to the Geneva Conventions.³ Since October 1967, Israel has taken a consistent position that the Geneva Convention is *de jure* not applicable to the West Bank and the Gaza Strip.⁴

16. Israel claims that it is not in “occupation” of OPT but is in “administration” and therefore, does not come under the purview of the Fourth Geneva Convention and the law of belligerent occupation. To justify its position Israel resorted to legal fiction and attempted to bring forth doctrinal justification developed in vacuum. Accordingly, Missing Reversioner theory was developed to strengthen its arguments for its non-compliance with Fourth Geneva Convention and law of belligerent occupation.⁵ This theory contended that Jordan and Egypt were not the legitimate sovereign in OPT. Since there was no ousted legitimate sovereign “a missing reversioner” to whom the territory would revert, Israel could make possession of OPT given that Israel has a relatively stronger title to the territories. This is argued on the basis of strange interpretation of common article 2 of the Geneva Conventions. Article 2 reads: “The Convention shall...apply to all cases of partial or total occupation of the territory of a High Contracting Party....” Thus it is argued that the object and purpose of the law of belligerent occupation is to protect the rights of the ousted sovereign holding valid legal title. Therefore, it is argued that because Jordan and Egypt were not the legitimate sovereigns in the OPT prior to 1967 owing to their alleged unlawful aggression against Israel in 1948, that territory can not be said to constitute the ‘territory of a High Contracting Party’. According to this line of thinking, the legal standing of Israel in the Occupied Territory is that of a State which is lawfully in control of territory in respect of which no other States can show better title.

³. Israel ratified the Geneva Conventions on 06.07.1951
On 21 June 1989, the Swiss Federal Department of Foreign Affairs received a letter from the Permanent Observer of Palestine to the United Nations Office at Geneva informing the Swiss Federal Council “that the Executive Committee of the Palestine Liberation Organization, entrusted with the functions of the Government of the State of Palestine by decision of the Palestine National Council, decided, on 4 May 1989, to adhere to the Four Geneva Conventions of 12 August 1949 and the two Protocols additional thereto”. On 13 September 1989, the Swiss Federal Council informed the States that it was not in a position to decide whether the letter constituted an instrument of accession, “due to the uncertainty within the international community as to the existence or non-existence of a State of Palestine”. The note also stated: “The unilateral declaration of application of the four Geneva Conventions and of the Additional Protocol I made on 7 June 1982 by the Palestine Liberation Organization remains valid”.

⁴. Initially Israel was in favor of applying the Geneva Convention to Occupied Palestine Territory but later on it changed its position and the same continues till today. This can be seen from the relevant military orders. Article 35 of Proclamation No. 3, issued by Chaim Herzog, then the Military Governor, instituted military courts and stated that the military court and its officers, ‘must apply the provisions of the Geneva Conventions of 13 August 1949 regarding the protection of civilians during war as to all which pertains to legal proceedings. If there should be any contradiction between the provisions of the order and the Geneva Conventions, the provisions of the Conventions should apply.’ In October 1967, Article 35 was deleted by Military Order 144, and in 1970, Proclamation No. 3 was replaced by Military Order 378.

⁵. The argument was first put forward by Yehuda Blum, ‘The Missing Reversioner: Reflections on the Status of Judea and Samaria’, 3 *Israel Law Review* 279 (1968).

17. It is further argued in this regard that Israel possesses better title over OPT in comparison to Jordan and Egypt based on the concept of “defensive conquest”. Based on this concept it is argued that Israel came into control of the OPT in 1967 through a defensive war against Jordan and Egypt and neither of them held valid legal title to that territory, and therefore it has a perfect legal control over OPT.

18. However, these arguments of Israel were strongly refuted by international law scholars⁶ as “strained and artificial in character, and commanded little or no respect among “highly qualified publicists” or within the organized international community” and also it did not receive any support from the international community. In 1976, the President of the UN Security Council, after consulting all the members and concluding that the majority agreed, stated that, ‘The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967.’⁷ In 1980, by a vote of 14 to none, with one abstention, the Security Council censured the enactment by Israel of a ‘basic law’ on Jerusalem, which it found to constitute a violation of international law that did not affect the continued application of the Fourth Convention.⁸ It decided not to recognize the ‘basic law’ and other actions seeking to alter the character and status of Jerusalem. Similarly, UN General Assembly also has been reiterating that Israel is bound by the obligations of the Fourth Geneva Convention in OPT. In its 5 December 2001 Declaration, the reconvened International Conference of High Contracting Parties to the Fourth Geneva Convention expressed its deep concern over the deteriorating humanitarian situation, reaffirmed the applicability of the Convention to Occupied Palestinian Territory, including East Jerusalem, and reiterated the need for full respect for the Convention in that Territory.⁹ It is of relevance to quote the International Court of Justice in this regard, which reiterated the paramount importance of the international humanitarian law:

“It is undoubtedly because a great many rules of humanitarian law applicable in armed conflict are so fundamental to the respect of the human person and “elementary considerations of humanity” as the Court put it in its Judgment of 9 April 1949 in the Corfu Channel case (I.C.J. Reports 1949, p. 22), that the Hague and Geneva Conventions have enjoyed a broad accession. Further these fundamental rules are to be observed by all States whether or not they have ratified the conventions that contain them, because they constitute intransgressible principles of international customary law...

⁶. See Richard A. Falk & Burns H. Weston, ‘The Relevance of International Law to Israeli and Palestinian Rights in the West Bank and Gaza’, in Emma Playfair, ed., *International Law and the Administration of Occupied Territories: Two Decades of Israeli Occupation of the West Bank and Gaza Strip*, (Oxford: Clarendon Press, 1992). 132. Yoram Dinstein, an Israeli professor of law at Tel Aviv University, has dismissed the theory being “based on dubious legal grounds”. Yoram Dinstein, ‘The International Law of Belligerent Occupation and Human Rights’, 8 *Israeli Yearbook on Human Rights* 104, 107 (1978); W. Thomas Mallison & Sally V. Mallison, *The Palestine Problem in International Law and World Order*, (London: Longman, 1986).

⁷. UN SC Presidential Statement: UN doc. S/PV.1922, 26 May 1976.

⁸. SC res. 478 (1980).

⁹. Conference of High Contracting Parties to the Fourth Geneva Convention: Declaration, Geneva, 5 December 2001.

These rules indicate the normal conduct and behaviour expected of States.”¹⁰

19. Thus, Israel’s compliance with the Fourth Geneva Convention is not optional based unilateral interpretations. Therefore, enumeration of Israeli activities in the OPT that violated the Fourth Geneva Convention and other relevant international law would become an exhaustive list as it has violated almost every provision of the Fourth Geneva Convention. Some of the glaring illegal activities of Israel are mentioned below.

a. Annexation and Illegal Expropriation of Palestinian Land

20. Since 1967, Israel has engaged in a systematic campaign of usurpation of Palestinian land in the OPT for the purpose of establishing exclusively Jewish colonies. This illegal campaign is implemented through two methods: one is annexation in and around occupied East Jerusalem and the second is the policies of expropriation in the remaining OPT. The Israeli government passed a number of Acts that extended its municipal law and jurisdiction to occupied East Jerusalem annexing the city in violations of international law. The law and policy of Israel in respect of other parts of OPT is also similar to that implemented in occupied Jerusalem with an exception that it has not been formally annexed. Host of military orders are used to implement these policies. For e.g., Military Order N. 59 (1967), permitting the Israeli government to declare all lands not registered with them as “State lands”, thereby restricting their use to Israeli authorities; Military Order No. 58 (1968), authorizing Israeli authorities to confiscate lands of those “absent” during the 1967 census; Military Order No. 70 (1967), allowing Israeli authorities to arbitrarily declare any locale a “closed military area” transferring all use to the State; Military Order no. 150, enabling the state to expropriate land belonging to “absentee” Palestinian owners, or individuals who were not accounted for in an Israeli census following the 1967 war; Military Order No. 321 (1968), authorizing the State to unilaterally expropriate Palestinian land for “public” purposes, which is always for the exclusive Jewish use; Military Order No. S/1/96, allowing Israeli authorities to unilaterally declare Palestinian land a “closed military area” and Military Order No. T/27/96, permitting Israeli authorities to expropriate Palestinian land for “public” purposes.

21. All these activities are clearly in violation of the Fourth Geneva Convention. Article 47 of the Fourth Geneva Convention makes annexation of the occupied land as an illegal act.¹¹ Similarly, article 147 of the Convention declares as a grave breach of any extensive destruction and appropriation of property, not justified by military necessity

¹⁰. *Legality of the Threat of Use of Nuclear Weapons*, Advisory Opinion, ICJ Reports, 1996, 226, 257, paras. 79, 82.

¹¹. Article 47 reads as follows:
Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

and carried out unlawfully.¹² Article 146 of the Convention places an obligation on the High Contracting Parties to enact effective penal sanctions for persons who have committed, or ordered to be committed, "grave breaches" of the Convention. In addition, Article 146 requires each High Contracting Party "to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and [it] shall bring such persons, regardless of their nationality, before its own courts". If it does not do so, it must extradite such suspects to any other High Contracting Party on request if that state has sufficient evidence to commence a prosecution.

b. Jewish Colonial Settlements

22. For more than 35 years now, the creation of Jewish Settlements has been a central component of Israel's efforts to consolidate control over the Gaza Strip and the West Bank, including East Jerusalem. Israeli settlement construction has served not only to facilitate territorial acquisition and to justify the continuing presence of Israel armed forces on Palestinian lands, but also to limit the territorial contiguity of areas populated by Palestinians and thereby to preclude the establishment of a viable independent Palestinian State.

23. Israel has been practicing its colonial settlement policy since 1967 which is aimed at settling the Jewish population in the OPT to make the local population a minority community and for other forms of subjugation. According to a plan prepared by Mattiyahu Drobles of the Settlement Department of the World Zionist Organization, in 1980; "the best and most effective way of removing every shadow of doubt about our intention to hold on to Judea and Samaria [i.e., the West Bank] forever is by speeding up the [Jewish colonial] settlement momentum in these territories. The purpose of settling the areas between and around the centers occupied by the minorities [that is, the Palestinian majority in the West Bank] is to reduce to the minimum the danger of an additional Arab state being established in these territories. Being cut off by Jewish settlements, the minority population will find it difficult to form a territorial and political continuity."¹³

24. Thus, the total settlement population reached 213,672, in West Bank and Gaza Strip, 170,400 in East Jerusalem and 17,000 in Golan Heights.¹⁴ These acts of settlement of Jewish population in OPT is in clear violation of article 49 of the Fourth Geneva Convention which says that 'the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies'. These acts are intended to change

¹². Article 147 defines "grave breaches" as "wilful killing, torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, wilfully depriving a protected person of the rights of fair and regular trial, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."

¹³. Mattiyahu Drobles, master plan for the Development of Settlement in Judea and Samaria (1980), cited by Ardi Imseis, 'On the Fourth Geneva Convention and the Occupied Palestinian Territory', *Harvard International Law Journal*, Vol. 44, No. 1, 2003, p. 104.

¹⁴. For more details in this regard see; <http://www.fmep.org/>

the physical character and to bring demographic changes in the OPT. This policy is being continued by Israel despite its condemnation in unequivocal terms by the international community.¹⁵

c. Deportation of Palestinians

25. Israel has resorted systematically to deportation of Palestinians since 1967 onwards. These deportation decisions were taken summarily without any appeal procedure. The deported Palestinians included various groups of people like lawyers, professors, teachers, doctors, trade unionists, religious leaders and human rights activists. This is in clear violation of article 49 of the Fourth Geneva Convention, which prohibits deportation of protected persons from the occupied territory. Article 147 of the Convention also prohibits this act and categorizes it as the “grave breach” of the Convention.

26. Apart from the above-mentioned acts Israel also indulged in the deprivation of the rights of fair trial, torture and inhuman treatment, extra judicial killings and executions. All these acts are in clear violation of the fourth Geneva Convention and other important human rights instruments.

B. United Nations Security Council and General Assembly Resolutions

27. The UN consensus is particularly persuasive since majority of UN Member States recognize the Palestinian right of self-determination. This right is also legitimate from the fact that Palestine was a mandated territory, administered as a sacred trust by the United Kingdom. The UN has made clear the legal rights and duties in the OPT in a series of widely supported resolutions, including the following:

(i) UNGA Resolution 181 (ii) concerning the Future Government of Palestine (November 29, 1947) establishes the parity of the two peoples with respect to their respective rights to establish states on the former mandated territory of Palestine, and the duty of both states to respect both minorities and the special juridical status of Jerusalem.

(ii) UNGA Resolution 194 (iii) (December 11, 1948) affirms the right of Palestinians to return to their original homes and lands, and to receive compensation for any losses incurred, as well as the right of resettlement for those Palestinian refugees choosing not

¹⁵. For e.g., UN Security Council Resolution 465 of 1980 says: “...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, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.”

to return and compensation for their losses. The UN established the UN Conciliation Commission to uphold the rights of Palestinian refugees.

(iii) UNSC Resolution 242 and 338 (November 22, 1967), and October 22, 1973) require Israeli withdrawal from the territory occupied during the 1967 and 1973 wars, and call for a just settlement of the refugee problem.

(iv) UNGA Resolution 34/70 (December 6, 1979) asserts the need for any solution of the conflict to be in accordance with the right of self-determination, regardless of what the parties might negotiate.

(v) UNGA Resolution 43/177 (December 15, 1988) acknowledges the 1988 Palestinian proclamation of a Palestinian state as consistent with UNGA Resolution 181.

(vi) UNSC Resolutions 476, 480, 1322, 1397, 1402 and 1403 (1980, 1980, 2000, 2002, 2002, 2002) reaffirm the basic principle of International and UN Law that it is inadmissible to acquire territory by force or conquest, as well as the unconditional applicability of the Fourth Geneva Convention to the civilian population of occupied territory.

IV. INTERNATIONAL COURT OF JUSTICE ADVISORY OPINION ON LEGAL CONSEQUENCES OF A WALL IN THE OCCUPIED PALESTINIAN TERRITORY

28. The International Court of Justice (ICJ), rendered its Advisory Opinion in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Request for advisory opinion)*. On 8 December 2003, the United Nations General Assembly, decided to submit the question set forth in its resolution ES-10/14, adopted at its Tenth Emergency Special Session, for 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?

29. In its Opinion, the Court found unanimously that it has jurisdiction to give the advisory opinion requested by the United Nations General Assembly and decided by 14 votes to 1 to comply with that request.

30. The following are the highlights of the Opinion:

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 (14 votes to 1).

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 (by 14 votes to 1).

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 (by 14 votes to 1).

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 (by 13 votes to 2).

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 (by 14 votes to 1).

i. Questions of Jurisdiction

31. Regarding the question whether the Court possess jurisdiction to give the advisory opinion, it found that the General Assembly, which requested the opinion by resolution ES-10/14 of 8 December 2003, is authorized to do so by Article 96, paragraph 1, of the UN Charter. It found that the General Assembly, in requesting an advisory opinion from the Court, did not exceed its competence, as qualified by Article 12, paragraph 1, of the Charter, which provided that, while the Security Council is exercising its functions in respect of any dispute or situation, the Assembly must not make any recommendation with regard thereto unless the Security Council so requests. The Court also referred to the fact that the General Assembly adopted resolution ES-10/14 during its Tenth Emergency Special Session, convened pursuant to resolution 377A (V), which provided that if the Security Council fails to exercise its primary responsibility for the maintenance of international peace and security, the General Assembly may consider the matter immediately with a view to making recommendations to Member States. The Court found that the conditions laid down by that resolution were met when the Tenth Emergency Special Session was convened; that was particularly true when the General Assembly decided to request an opinion, as the Security Council was at

that time unable to adopt a resolution concerning the construction of the wall as a result of the negative vote of a permanent member.

32. The Court also found that it cannot accept the view, that it has no jurisdiction because of the “political” character of the question posed. As is clear from its long-standing jurisprudence on this point, the Court considered that the fact that a legal question also has political aspects, “does not suffice to deprive it of its character as a ‘legal question’ and to ‘deprive the Court of a competence expressly conferred on it by its Statute’, and the Court cannot refuse to admit the legal character of a question which invites it to discharge an essentially judicial task” (*Legality of the Threat or Use of Nuclear Weapons*, I.C.J. Reports 1996 (I), p. 234, para. 13).

ii. Impact on Right of Palestinian People to Self Determination

33. The Court concluded that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law. Whilst taking note of the assurance given by Israel that the construction of the wall does not amount to annexation and that the wall is of a temporary nature, the Court nevertheless considered that the construction of the wall and its associated régime create a “fait accompli” on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to de facto annexation. The Court considered moreover that the route chosen for the wall gives expression in loco to the illegal measures taken by Israel with regard to Jerusalem and the settlements, as deplored by the Security Council. There is also a risk of further alterations to the demographic composition of the Occupied Palestinian Territory resulting from the construction of the wall inasmuch as it is contributing to the departure of Palestinian populations from certain areas. That construction, along with measures taken previously, thus severely impedes the exercise by the Palestinian people of its right to self-determination, and is therefore a breach of Israel’s obligation to respect that right

iii. Relevant International Humanitarian Law and Human Rights Instruments

34. The Court was of the opinion that the construction of the wall and its associated régime impede the liberty of movement of the inhabitants of the Occupied Palestinian Territory (with the exception of Israeli citizens and those assimilated thereto) as guaranteed under Article 12, paragraph 1, of the International Covenant on Civil and Political Rights. They also impede the exercise by the persons concerned of the right to work, to health, to education and to an adequate standard of living as proclaimed in the International Covenant on Economic, Social and Cultural Rights and in the United Nations Convention on the Rights of the Child. Lastly, the construction of the wall and its associated régime, by contributing to the demographic changes mentioned, contravene Article 49, paragraph 6, of the Fourth Geneva Convention and the pertinent Security Council resolutions.

35. The Court also examined certain provisions of the applicable international humanitarian law enabling account to be taken in certain circumstances of military exigencies, which may in its view be invoked in occupied territories even after the

general closure of the military operations that led to their occupation; it pointed out, however, that only Article 53 of the Fourth Geneva Convention contains a relevant provision of this kind, and finds that, on the material before it, the Court was not convinced that the destructions carried out contrary to the prohibition in that Article were “rendered absolutely necessary by military operations” so as to fall within the exception. Similarly, the Court examined provisions in some human rights conventions permitting derogation from, or qualifying, the rights guaranteed by those conventions, but finds, on the basis of the information available to it, that the conditions laid down by such provisions were not met in the present instance.

36. The Court found that, from the material available to it, it was not convinced that the specific course Israel had chosen for the wall was necessary to attain its security objectives. The wall, along the route chosen, and its associated régime gravely infringed a number of rights of Palestinians residing in the territory occupied by Israel, and the infringements resulting from that route cannot be justified by military exigencies or by the requirements of national security or public order. The construction of such a wall accordingly constitutes breaches by Israel of several of its obligations under the applicable international humanitarian law and human rights instruments.

iv. Self-defence and State of Necessity

37. The Court noted that Article 51 of the UN Charter recognized the existence of an inherent right of self-defence in the case of armed attack by one State against another State. However, Israel does not claim that the attacks against it are imputable to a foreign State. The Court also noted that Israel exercised control in the Occupied Palestinian Territory and that, as Israel itself stated, the threat which it regards as justifying the construction of the wall originates within, and not outside, that territory. The situation was thus different from that contemplated by Security Council resolutions 1368 (2001) and 1373 (2001), and therefore Israel could not in any event invoke those resolutions in support of its claim to be exercising a right of self-defence. Consequently, the Court concludes that Article 51 of the Charter has no relevance in this case.

38. The Court also considered further whether Israel could rely on a state of necessity which would preclude the wrongfulness of the construction of the wall. In this regard, citing its decision in the case concerning the *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*, it observed that the state of necessity was a ground recognized by customary international law that “can only be invoked under certain strictly defined conditions which must be cumulatively satisfied” (*I.C.J. Reports 1997*, p. 40, para. 51), one of those conditions being that the act at issue be the only way for the State to guard an essential interest against a grave and imminent peril. In the light of the material before it, the Court was not convinced that the construction of the wall along the route chosen was the only means to safeguard the interests of Israel against the peril which it has invoked as justification for that construction. While Israel has the right, and indeed the duty to respond to the numerous and deadly acts of violence directed against its civilian population, in order to protect the life of its citizens, the measures taken were bound to remain in conformity with applicable international law. Israel cannot rely on a right of self-defence or on a state of necessity in order to preclude the wrongfulness of the

construction of the wall. The Court accordingly found that the construction of the wall, and its associated regime, were contrary to international law.

v. Legal Consequences of the Violations Found

39. The Court noted that Israel was first obliged to comply with the international obligations it has breached by the construction of the wall in the Occupied Palestinian Territory. Consequently, Israel was bound to comply with its obligation to respect the right of the Palestinian people to self-determination and its obligations under international humanitarian law and international human rights law. Furthermore, it must ensure freedom of access to the Holy Places that came under its control following the 1967 War.

40. The Court observed that Israel also has an obligation to put an end to the violation of its international obligations flowing from the construction of the wall in the Occupied Palestinian Territory. Israel accordingly has the obligation to cease forthwith the works of construction of the wall being built by it in the Occupied Palestinian Territory, including in and around East Jerusalem. In the view of the Court, cessation of Israel's violations of its international obligations entails in practice the dismantling forthwith of those parts of that structure situated within the Occupied Palestinian Territory, including in and around East Jerusalem. All legislative and regulatory acts adopted with a view to its construction, and to the establishment of its associated régime, must forthwith be repealed or rendered ineffective, except where of continuing relevance to Israel's obligation of reparation.

41. The Court found further that Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned. The Court recalled the established jurisprudence that "The essential principle contained in the actual notion of an illegal act . . . is that reparation must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed." Israel was 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 considered 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.

42. The Court pointed out that the obligations violated by Israel include certain obligations *erga omnes*. As the Court indicated in the *Barcelona Traction* case, such obligations were by their very nature "the concern of all States" and, "In view of the importance of the rights involved, all States can be held to have a legal interest in their protection." (*Barcelona Traction, Light and Power Company, Limited, Second Phase, Judgment*, I.C.J. Reports 1970, p. 32, para. 33.) The obligations *erga omnes* violated by Israel were the obligation to respect the right of the Palestinian people to self-determination, and certain of its obligations under international humanitarian law.

As regards self-determination, the Court recalled its findings in the *East Timor* case, and General Assembly resolution 2625 (XXV). It recalled that a great many rules of humanitarian law “constitute intransgressible principles of international customary law” (I.C.J. Reports 1996 (I), p. 257, para. 79), and observed that they incorporate obligations which are essentially of an *erga omnes* character. It also noted the obligation of States parties to the Fourth Geneva Convention to “ensure respect” for its provisions.

43. The Court was of the opinion that given the character and the importance of the rights and obligations involved, that all States were under an obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They were also under an obligation not to render aid or assistance in maintaining the situation created by such construction. It was also for all States, while respecting the United Nations Charter and international law, to see to it that any impediment, resulting from the construction of the wall, to the exercise by the Palestinian people of its right to self-determination is brought to an end. In addition, all the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 were under an obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention.

44. The Court was of the view that 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 régime, taking due account of the present Advisory Opinion.

45. The Court considered that its conclusion that the construction of the wall by Israel in the Occupied Palestinian Territory is contrary to international law must be placed in a more general context. Since 1947, the year when General Assembly resolution 181 (II) was adopted and the Mandate for Palestine was terminated, there has been a succession of armed conflicts, acts of indiscriminate violence and repressive measures on the former mandated territory. The Court emphasized that both 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. Illegal actions and unilateral decisions have been taken on all sides, whereas, 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). The “Roadmap” approved by Security Council resolution 1515 (2003) represented the most recent of efforts to initiate negotiations to this end. The Court considered that it has a duty to draw the attention of the General Assembly, to which the present Opinion is addressed, to the need for these efforts to be encouraged with a view to achieving as soon as possible, on the basis of international law, a negotiated solution to the outstanding problems and the establishment of a Palestinian State, existing side by side with Israel and its other neighbours, with peace and security for all in the region.

V. UN GENERAL ASSEMBLY EMERGENCY SESSION ADOPTS RESOLUTION CALLING ISRAEL TO COMPLY WITH ICJ ADVISORY OPINION

46. The United Nations General Assembly Tenth Resumed Emergency Special Session on 20 July 2004, overwhelmingly adopted a resolution demanding Israel to comply with the ICJ Advisory Opinion on *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. It called upon the Israel to halt construction on its security barrier in the West Bank; tear down the portions built on the Palestinian land; and provide reparations to Palestinians whose lives have been harmed by the wall. 150 countries voted in favor of the resolution and six countries against, with ten abstentions. The resolution also called on both Israel Government and the Palestinian Authority to immediately implement their obligations under the Road Map, which calls for a series of parallel and reciprocal steps by each party leading to two States living side by side in peace by 2005. It called on all UN Member States to comply with their obligations as contained in the finding by the ICJ, which include a duty “not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem”. It also called upon the Member States not to render aid or assistance in maintaining the situation created by such construction. The resolution requested the UN Secretary General to set up a register of all damage caused to all the natural or legal persons in connection with Israel’s construction of the barrier.

VI. PALESTINIANS ELECTS THEIR NEW PRESIDENT FOLLOWING THE DEATH OF PRESIDENT YASSER ARAFAT

47. President of the Palestinian Authority, President Yasser Arafat died on 11th December 2004 at 3.30 p.m. in Paris. His death was condoled worldwide and international community joined the Palestinian people to pay tribute to that great Leader. A Nobel Peace Laureate, he was the Leader of Fatah, Chairman of the PLO Executive Committee and President of the Palestinian Authority. He was a leader who struggled until the last moments of his life for the noble cause of the Palestinian people, always calling for a just and comprehensive solution, including their right to self-determination. Yasser Arafat, who was born in 1929, joined the reserve officers of the Egyptian Army in 1956 and fought against the tri-partite aggression on Egypt. He joined early in his youth, the Palestine National Movement as represented by the League of Palestinian Students 1944, and chaired it later on. He formed the ‘Fatah’ movement together with others in 1968 and was declared its spokesman. In 1973, he became the Commander in Chief of the forces of the Palestinian Revolution. In the year 1974, Yasser Arafat addressed the UN General Assembly in New York. On 28 September 1995, he signed the historic Oslo Agreement with the Late Israeli Prime Minister Mr. Rabin. He was elected as the President of the Palestine National Authority in 1996. In 1998, he signed “Wye River” memorandum with the former Israeli Prime Minister Mr. Netenyahu. President Yasser Arafat was Vice-Chairman of NAM and the permanent Vice-Chairman of the Organization of Islamic Conference.

48. Following the death of President Arafat elections were conducted on 9th January 2005 to elect the new president. Election was held in a peaceful atmosphere witnessed by a large number of international poll observers. The Central Election Commission announced the final results of the 2005 Palestine Presidential Election on 12 January 2005. Mr. Mahmoud Abbas got 62.52% of the total votes polled and his immediate challenger Mr. Mustafa Barghouthi got 19.48% of the total votes polled.

49. The Secretary-General of the United Nations welcomed the Palestinian Presidential election as a significant step in what is a historic democratic transition in the occupied Palestinian territory. He congratulated President Mahmoud Abbas as the representative of the Palestinian people. The Secretary-General said that he was looking forward to working with the new President of the Palestinian Authority on the implementation of the Road Map and the achievement of an independent and viable Palestinian state.

50. The United Nations Security Council on 13 January 2005 welcomed the Palestinian Presidential election, and congratulated the Palestinian people "who demonstrated their commitment to democracy by participating in the election under challenging conditions". Council members also congratulated the newly elected President of the Palestinian Authority, Mr. Mahmoud Abbas, and pledged support for the Authority's efforts to strengthen Palestinian institutions. Security Council called upon both Israelis and Palestinians to relaunch a genuine political process. The Council also stressed the need to fully implement the Quartet-backed "Road Map" peace plan for the creation of an independent, viable, democratic and sovereign State of Palestine living side by side with Israel in peace and security.

VII. SHARM-EL SHEIKH SUMMIT: ISRAEL AND PALESTINE DECLARE CEASEFIRE

51. Palestinian Authority President Mr. Mahmoud Abbas, and the Israeli Prime Minister, Mr. Ariel Sharon on 8 February 2005 declared a formal end to violence. This was declared at Sharm-el-Sheikh Summit hosted by the Egyptian President Mr. Hosni Mubarak. King Abdullah II of Jordan also attended the Summit. It is hoped that the Summit could end the four years of violence and lead to achieving a just, lasting and comprehensive peace. Peace for Palestinians means the establishment of a democratic Palestinian state alongside Israel.

52. The Secretary-General of the United Nations warmly welcomed the statements of Palestinian President Abbas and Israeli Prime Minister Sharon in Sharm el-Sheikh. He believed that their joint announcements to cease violence after four years of death and suffering provide an opportunity for the peace process to resume. The Secretary-General commended the steps taken by the Israeli and Palestinian leaders and looks forward to further cooperation as part of the implementation of their obligations under the Road Map. The Secretary-General also commended Egyptian President Mubarak for organizing the Sharm el-Sheikh summit and for his leadership in the peace process. He believed that the active participation of Egypt and of King Abdullah of Jordan will

greatly enhance the chances of achieving a just, lasting and comprehensive peace in the critical months ahead.

VIII. OTHER MAJOR DEVELOPMENTS

A. SPECIAL RAPPORTEUR OF THE UN COMMISSION ON HUMAN RIGHTS ON VIOLENCE AGAINST WOMEN VISITS OCCUPIED PALESTINIAN TERRITORIES, JUNE 2004

53. Yakin Ertuk, Special Rapporteur of The UN Commission on Human Rights on Violence against Women, visited the Occupied Palestinian Territories from 13 to 18 June 2004 to gather first-hand information on the specific ways in which the occupation and conflict impacts on violence against women. She observed that while the persistent situation of conflict has an adverse impact on the daily lives of Palestinians and Israelis alike, the burden by far falls on the Palestinian people, who have been living under occupation for too long. As a consequence, an integrated system of violence, which disproportionately singles out women in both the public and private spheres, has emerged. Women are both direct and indirect victims of the occupation.

B. SPECIAL RAPPORTEURS/REPRESENTATIVES, INDEPENDENT EXPERTS AND CHAIRPERSONS OF WORKING GROUPS OF THE SPECIAL PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS EXPRESSES CONCERN ABOUT THE SITUATION IN THE OCCUPIED PALESTINIAN TERRITORY, 21-25 JUNE 2004

54. The Eleventh Meeting of Special Rapporteurs/Representatives, Independent Experts and Chairpersons of Working Groups of the Special Procedures of the Commission on Human Rights and of the advisory services programme took place in Geneva from 21 to 25 June 2004. The Meeting expressed concern about the situation in the occupied Palestinian territories. They adopted a joint statement to that effect. The Statement expressed strong concern regarding continuous violations of human rights and fundamental freedoms in the occupied Palestinian territory, despite grave concerns repeatedly expressed by the international community. It also deplored among others, the practices of the Israeli authorities, including targeted killings; excessive use of force during military incursions, arbitrary and long periods of incommunicado detention, and torture and other forms of inhuman and degrading ill treatment.

C. ECOSOC ADOPTS DECISION RELATED THE “QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE”, 22 JULY 2004

55. Economic and Social Council on 22 July 2004 adopted 40 decisions proposed by the Commission on Human Rights in its sixtieth session report. One of the decisions related to the “Question of the Violation of Human Rights in The Occupied Arab Territories, Including Palestine”, which was adopted in a recorded vote of 34 in favour to 7 against, with 12 abstentions. By that decision, the Council approved the request to the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to investigate Israel’s violation of the principles and bases of international

law, international humanitarian law and the Geneva Convention relating to the Protection of Civilian Persons in Time of War.

D. OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS - HUMANITARIAN UPDATE, AUGUST 2004

56. Office for the Coordination of Humanitarian Affairs (OCHA) in its Humanitarian Update- August 2004, had assessed the main developments regarding the humanitarian situation in August were the effects of the Israeli operation "Forward Shield" in Beit Hanoun between 29 June to 5 August 2004. Extensive damage and destruction to property, including agricultural land and infrastructure occurred, in one of Gaza's most important agricultural regions. A preliminary assessment by OCHA of the effects of the Israeli operation "Forward Shield," in the northern Gaza Strip, particularly in Beit Hanoun, showed that Beit Hanoun and neighbouring areas suffered considerable damage. Ministry of Health sources report that in the period, 19 Palestinians were killed and 154 were injured. Damage and destruction to property and infrastructure are the primary humanitarian concerns resulting from the operation. At least 17% of total arable land in Beit Hanoun was leveled. A compilation of sources indicates that since September 2000, the start of the current Intifada, approximately 6,500 dunums (650 hectares) of agricultural land has been leveled in Beit Hanoun – more than 50% of the total agricultural land. In addition, public and private property – homes, factories, educational facilities, roads, electricity, and water and sewerage networks – were damaged or destroyed in Beit Hanoun and in the neighbouring areas of Beit Lahia and Jabalia. At least 22 industrial facilities were also damaged or destroyed. UNRWA reported that 24 families (145 people) are now homeless in Beit Hanoun, a result of 17 residential buildings being destroyed during IDF operations. Another 84 families (584 people) residing in 76 residential buildings had their properties damaged.

57. In Hebron's Old City, the Israeli Defense Forces (IDF) demolished historical buildings from the 14th and 16th centuries. The demolitions appear to have been to widen a road that runs through the Palestinian neighbourhood to secure the passage of Jewish settlers to the Tomb of the Patriarchs. Also known as the Ibrahimi Mosque, the site has significance for both Jews and Muslims.

E. UN SECRETARY GENERAL CALLS ON ISRAEL TO CEASE WEST BANK SETTLEMENT EXPANSION, 24 AUGUST 2004

58. In 24 August 2004, the UN Secretary General expressed strong concern over reports of Israeli settlement expansion in the West Bank, through the Government of Israel's recent publication of tenders for construction of new housing units. Such activities clearly contradict Israel's obligations under the Road Map which unequivocally stipulate that "consistent with the Mitchell Report, Government of Israel freezes all settlement activity, (including natural growth of settlements)". The Secretary-General called on the Government of Israel to cease this settlement expansion and to fulfill its Road Map obligations.

F. UN INSTITUTIONS CALL ON ISRAEL TO ENSURE RESPECT FOR INTERNATIONAL STANDARDS CONCERNING PRISONERS, 27 AUGUST 2004

59. On 27 August 2004, thirteen UN institutions operating in the occupied Palestinian territory expressed concern about the hunger strike that reportedly more than 2,900 Palestinians prisoners and detainees have joined. The UN's Special Coordinator for the Middle East Peace Process Terje Roed-Larsen called on Israel authorities to comply with its international obligations and to make every effort to find, with the prisoners, an appropriate resolution to the hunger strike. The UN agencies and offices reminded Israel of its obligations under the Fourth Geneva Convention and relevant international human rights instruments which provide for the protection of detainees and prisoners. The organizations include UNDP, UNESCO, UNFPA, UNICEF, UNIFEM, UNOCHA, UNOHCHR, UNRWA, UNSCO, WFP, WHO, FAO and ILO

G. UNRWA PROTESTS GAZA CLOSURE AND CURBING OF COMMISSIONER-GENERAL'S FREEDOM OF MOVEMENT, 1 SEPTEMBER 2004

60. The United Nations Relief and Works Agency for Palestine Refugees (UNRWA) on 1 September 2004 protested to the Israeli Government at the closure of the Erez Crossing into the Gaza Strip.¹⁶ The closure, which began on 31 August 2004, seriously damages UNRWA's ability to carry out its humanitarian mandate in the occupied Palestinian territory. In an unprecedented and serious development, the Israeli authorities have barred Peter Hansen, UNRWA's Commissioner-General and an Under-Secretary General of the United Nations, from leaving Gaza to carry out his duties in the West Bank. UNRWA press release says that it is unheard of for the executive head of a UN agency to have his freedom of movement flagrantly curtailed by a member state of the UN in this way. As a signatory to the Convention on the Privileges and Immunities of the United Nations, and to specific agreements between UNRWA and Israel, the Government of Israel was again failing to live up to its obligations under international law to allow freedom of movement for UN personnel

H. UN SPECIAL COORDINATOR FOR THE MIDDLE EAST PEACE PROCESS CONDEMNS ISRAEL'S KILLING OF PALESTINIANS IN GAZA, 9 SEPTEMBER 2004

61. The Special Coordinator for the Middle East Peace Process, Terje Roed-Larsen, on 9 September 2004 condemned the killing of Palestinian civilians and the wounding of many more in Israeli military operations in the Gaza Strip over the previous days and called on the Government of Israel to avoid using disproportionate force in crowded areas. He said that he was particularly disturbed to hear that two children were among those killed. Sending his sincere condolences to the families of the victims, the envoy called on Israel "to abide by its obligation under international humanitarian law to avoid the use of disproportionate force in densely populated areas and to protect the civilian population."

¹⁶ UNRWA Press Release No.HQ/G/24/2004, 01 September 2004

I. UNITED NATIONS INTERNATIONAL CONFERENCE OF CIVIL SOCIETY IN SUPPORT OF THE PALESTINIAN PEOPLE, 13-14 SEPTEMBER 2004

62. United Nations International Conference of Civil Society in Support of the Palestinian People held in United Nations Headquarters, New York, from 13 and 14 September 2004. Non-governmental and civil society organizations participated in the Conference reaffirmed their commitment to ending the Israeli occupation of the Palestinian Territory, and to realizing the full national and human rights of the Palestinian people. The conference highlighted the central role of the United Nations in upholding international law and emphasized that human rights and international law including the United Nations Charter and resolutions, the Universal Declaration of Human Rights and the Geneva Conventions were the tools which provided the only potential basis for achieving the end of occupation and a just, comprehensive and lasting peace. The Conference decided 29 November 2004; 17 April 2005; and 5 June 2005 as International day of solidarity with the Palestinian People; Palestinian Prisoners Day; and Anniversary of the 1967 occupation respectively. In his Message to the Conference, UN Secretary-General urged to end the violence; freeze on Israeli settlements; stop the construction of the barrier in the occupied Palestine territory; and restructuring of Palestinian Security.

J. QUARTET MEETING IN NEW YORK REAFFIRMS ITS MAY 4 STATEMENT, 22 SEPTEMBER 2004

63. The Quartet met in New York on 22 September 2004¹⁷ and strongly reaffirmed its May 4 Statement. It observed that the situation on the ground for both Palestinians and Israelis remains extremely difficult and no significant progress has been achieved on the roadmap. The Quartet urged both parties to put an end on the cycle of violence. It welcomed steps toward well-prepared, free and fair Palestinian municipal elections, and urged Israel and the Palestinian Authority to cooperate towards this goal.

64. The Quartet also urged the Government of Israel to implement its obligations under the roadmap, including dismantling of settlement outposts erected since March 2001, and to impose a settlement freeze, as called for by President Bush, and in the roadmap. They also called on the Government of Israel to take all possible steps now, consistent with Israel's legitimate security needs, to ease the humanitarian and economic plight of the Palestinian people. The Quartet reaffirmed the concerns expressed in its Statement of May 4 with respect to the actual routing of the Israeli separation barrier and takes note of the ICJ advisory opinion on this subject.

65. The Quartet reaffirmed its encouragement for Prime Minister Sharon's intention to withdraw from all Gaza settlements and parts of the West Bank and reiterates that a withdrawal from Gaza should be full and complete and be undertaken in a manner consistent with the roadmap, as a step toward an end to the Israeli occupation that began in 1967 through direct negotiations between the sides, leading to the goal of two states, Israel and a sovereign, independent, viable, democratic and territorially contiguous

¹⁷ Quartet Press Release, New York, 22 September 2004, S0245/04

Palestine, living side by side in peace and security. The Quartet urged both Israel and the Palestinian Authority to coordinate closely preparation and implementation of the withdrawal initiative. The Quartet reaffirmed its commitments to a just, comprehensive and lasting settlement to the Arab-Israeli conflict based upon Resolutions 242 and 338, and will remain engaged with all parties to help ensure that progress toward this go.

K. AMNESTY INTERNATIONAL EXPRESSED CONCERN OVER THE EXCESSES COMMITTED BY THE ISRAEL, 1 OCTOBER 2004

66 Amnesty International on 1 October 2004 expressed concern for the safety of the Palestinian population in the Jabaliya refugee camp and elsewhere in the northern Gaza Strip, where the Israeli army is carrying out a large-scale offensive. Amnesty International was concerned that the Israeli army's use of excessive force in this latest incursion in the Gaza Strip would result in further loss of lives and wanton destruction of Palestinian homes and property. It further stated that the Fourth Geneva Convention prohibits reprisals against protected persons and property and Israel is obliged to ensure that any measures taken to protect the lives of Israeli civilians are consistent with its obligations to respect human rights and international humanitarian law. Amnesty International called upon Israel to immediately allow international human rights and humanitarian organizations to enter the Gaza Strip. Amnesty International delegates and staff members of other international organizations were denied access to the Gaza Strip. It also repeated its call on the international community to deploy monitors to Israel and the Occupied Territories, with the aim of ensuring the protection of the human rights of both Palestinians and Israelis.

L. REPORT OF THE SPECIAL RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS, JOHN DUGARD, ON THE SITUATION OF HUMAN RIGHTS IN THE PALESTINIAN TERRITORIES OCCUPIED BY ISRAEL SINCE 1967, 7 DECEMBER 2004

67. The report has drawn attention to the serious violations of human rights and humanitarian law flowing from the actions of the Government of Israel in the OPT. The report says that Israel is both legally and morally obliged to bring its practices and policies into line with the law. Israel has legitimate security concerns which cannot be denied. However, these concerns must be addressed within the parameters of the law, as the High Court of Justice of Israel has rightly declared, "There is no security without law" (*Beit Sourik* case, para. 86).

68. The Special Rapporteur emphasized that as the International Court of Justice indicates in its advisory opinion, approved by the General Assembly, there are consequences of the Wall for States other than Israel. The report reminded the States of their 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. In addition, all States parties to the Fourth Geneva Convention are obliged to ensure compliance by Israel with the principles of international humanitarian law embodied in this Convention. It further states that Israel's defiance of international law poses a threat not only to the international legal order but to the international order itself.

M. 59TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

69. The 59th Session of the UN General Assembly adopted as always a number of resolutions on the Palestinians situations. The resolutions on Assistance to Palestine Refugees¹⁸; Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem¹⁹; Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan²⁰; Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories²¹; Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories²²; Palestine refugees' properties and their revenues²³; Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East²⁴; Persons displaced as a result of the June 1967 and subsequent hostilities²⁵; Peaceful settlement of the question of Palestine²⁶; Special information programme on the question of Palestine of the Department of Public Information of the Secretariat²⁷; Division for Palestinian Rights of the Secretariat²⁸; Committee on the Exercise of the Inalienable Rights of the Palestinian People²⁹. The 59th Session of the UN General Assembly also adopted resolution on permanent sovereignty of the Palestinian People in the occupied Palestinian territory, including East Jerusalem, and of the Arab Population in the occupied Syrian Golan over their natural resources³⁰;

¹⁸ A/RES/59/117

¹⁹ A/RES/59/124

²⁰ A/RES/59/123

²¹ A/RES/59/122

²² A/RES/59/121

²³ A/RES/59/120

²⁴ A/RES/59/119

²⁵ A/RES/59/118

²⁶ A/RES/59/31

²⁷ A/RES/59/30

²⁸ A/RES/59/29

²⁹ A/RES/59/28

³⁰ A/RES/59/251

the situation of and assistance to Palestinian children³¹; the occupied Syrian Golan;³² and Jerusalem.³³

**N. UN REGISTER OF DAMAGE TO PALESTINIANS FROM ISRAELI BARRIER MOVES
A STEP CLOSER, 11 JANUARY 2005**

70. The Secretary General of the United Nations on 11 January 2005 forwarded a letter to the President of the General Assembly regarding the establishment of a register of damage relating to Israeli's construction of a barrier in the West Bank. The letter sets out a framework for the register, the establishment of which was requested by the General Assembly in its resolution ES-10/15, and for the next steps in its creation. Framework include the purpose and legal nature of the Registry; the structure and functions of the Registry; the legal status of the Registry; resource requirements; the process of registration; the life-span of the Registry and the duration of the register; cooperation with the Government of Israel.

71. 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."

**O. UN ENCOURAGED BY NEW PALESTINIAN MOVE TO END GAZA VIOLENCE, 20
JANUARY 2005**

72. United Nations spokesman on 20 January 2005 described the latest developments in the Israeli-Palestinian conflict with the deployment of Palestinian security forces in northern Gaza as "very encouraging," "We encourage both (sides) to continue on that path," Stephane Dujarric said in response to a question at the daily briefing in New York of the Palestinian move to end militant attacks from Gaza against Israelis

³¹ A/RES/59/173

³² A/RES/59/125

³³ A/RES/59/32

P. UNESCO BEGINS WORK ON BLUEPRINT TO SAFEGUARD JERUSALEM'S CULTURAL HERITAGE, 26 JANUARY 2005

73. The United Nations Educational, Scientific and Cultural Organization (UNESCO) began work on a blueprint for safeguarding the cultural heritage of the Old City of Jerusalem. "More than any other place in the world, Jerusalem embodies the hope and dream of dialogue between cultures, civilizations and spiritual traditions, a dialogue through which mutual understanding between peoples may flourish," UNESCO Director-General Koïchiro Matsuura told the first session of the Committee of Experts on the Cultural Heritage of the Old City of Jerusalem. Mr. Matsuura said the Committee of 12 internationally renowned architects; archaeologists, curators, restorers, architectural historians and structural engineers with professional knowledge of the Old City of Jerusalem presented "an outstanding combination of historic, artistic and spiritual values."

74. In keeping with a resolution of UNESCO's General Conference of 2003, the experts are expected to advise Mr. Matsuura on the elaboration of a comprehensive plan of action to safeguard the city's cultural heritage and provide him with guidelines and proposals for its implementation. The Old City was inscribed on UNESCO's World Heritage List in 1981 and safeguarding its cultural heritage has been on the agenda of UNESCO's governing bodies since 1967.

Q. LONDON MEETING ON SUPPORT FOR PALESTINIAN AUTHORITY, 1 MARCH 2005

75. The Prime Minister of Britain chaired an international meeting in London in which the Palestinian President, Mahmoud Abbas, set out to the international community his plans to build the institutions needed to underpin a future viable Palestinian State. The Quartet, World Bank, IMF, Arab League and twenty national delegations welcomed these plans and pledged moral, practical and financial support. Participants in the London Meeting re-affirmed their commitment to achieving a resolution of the conflict through direct negotiations leading to the goal of two states – a safe and secure Israel and a sovereign, independent, viable, democratic and territorially contiguous Palestine, living side by side in peace and security. Participants also reaffirmed their commitment to achieve a just, comprehensive and lasting settlement consistent with the Roadmap and based on UN Security Council resolutions 242, 338, and 1515.

76. The participants welcomed the sense of promise offered by a strengthened Palestinian Authority under a reinvigorated leadership. The participants also welcomed the Israeli disengagement plan as a step towards achieving the two-state vision envisaged by the Roadmap. They supported the position set out by the Quartet that withdrawal from Gaza should be full and complete and be undertaken in a manner consistent with the Road Map.

77. A central aim of the London Meeting was to help the Palestinian Authority to strengthen Palestinian institutions, thereby providing a sound basis for building the institutions of a future Palestinian State. Participants noted the significant progress made by the Palestinian Authority. Further work to build a more effective security apparatus,

better governance, and the strengthening of the Palestinian economy, with adequate and effectively targeted international support, should improve the capacity of the Palestinian Authority to deliver real benefits to the Palestinian people across the West Bank and Gaza, and to take over successfully the territories from which Israel withdraws. The London Meeting also supported and encouraged the set of steps outlined by the Palestinian Authority, and agreed steps for international support in the areas of: Governance, Security, and economic development

78. The Security Council on 9 March 2005 welcomed the conclusions of the 1 March London Meeting on Supporting the Palestinian Authority and expressed the hope that the occasion would be part of longer-term international support to the Palestinian people and Authority, as well as a contribution towards the implementation of the "Road Map". The Council welcomed the comprehensive plan presented by President Mahmoud Abbas at the Meeting for strengthening the Palestinian Authority's institutions in the areas of security, good governance and development of the Palestinian economy. It welcomed also the international community's commitments to respond to the Palestinian Authority's plans by providing financial and political support.

R. UNITED NATIONS INTERNATIONAL MEETING ON THE QUESTION OF PALESTINE, 8-9 MARCH 2005

79. The United Nations International Meeting on the Question of Palestine was held on 8 and 9 March 2005, at the United Nations Office at Geneva, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The theme of the Meeting was "Implementing the ICJ Advisory Opinion on the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory – The role of Governments, intergovernmental organizations and civil society." Participants in the Meeting included eminent personalities, internationally renowned legal experts, including Israelis and Palestinians, representatives of the United Nations, Members and Observers, parliamentarians, representatives of the United Nations system and other intergovernmental organizations, the academic community, representatives of civil society organizations, as well as the media.

80. While welcoming Israel's intention to withdraw from the Gaza Strip and parts of the West Bank as an initial step to the implementation of the Road Map the participants underscored the importance of coordinating this process closely with the Palestinian Authority, and implementing it within the framework of the Road Map. The participants, however, expressed serious concern at the continued settlement activities in the West Bank including in and around East Jerusalem, and cautioned against any transfer of Israeli settlers from the Gaza Strip to the West Bank.

81. Furthermore, the participants also expressed serious concern at the Israeli Government's continuation of the construction of the wall in defiance of the Advisory Opinion of the International Court of Justice and in violation of the Fourth Geneva Convention and United Nations resolutions. They considered that the construction of the wall, if not reversed, might be viewed by Israel as a permanent political boundary thus predetermining final status negotiations.

82. Welcoming the Advisory Opinion of the International Court of Justice of 9 July 2004, the participants called it a historic development, noting that it was the first time the highest judicial body of the United Nations addressed a substantive issue related to the question of Palestine. They supported the Court's position that the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, were contrary to international law. The participants called on the international community to adopt measures that would persuade the Government of Israel to comply with international law and the ruling of the International Court of Justice.

S. UN REVIEW: GLOOMY PICTURE OF 2004 ECONOMY IN OCCUPIED PALESTINIAN TERRITORY, 6 APRIL 2005

83. According to the Latest United Nations Review, around half of the Palestinian population was living below the official poverty line last year, more than double the number in 2000, unemployment increased, and there is no hope for improvement unless guarded optimism on the political front is translated into economic activity. The report said the humanitarian situation in 2004 remained vulnerable, noting that Israeli-Palestinian violence continued throughout the year and there was no significant easing of the underlying causes of the crisis-the closure system of check points and roadblocks established by Israel to safeguard its citizens. The study, based primarily on a compilation of UN agency findings and field work by the UN Office for the Coordination of Humanitarian Affairs (OCHA) in the occupied Palestinian territory, is an updated version of a report submitted to a committee of key international donors in November 2004 by UN organizations.

T. ISRAELI FORCES ATTACKS MORE PALESTINIAN CITIES AND KILLS THREE PALESTINIAN CHILDREN, 12 APRIL 2005

84. An Israeli tank fired a shell into Al-She'out near the neighborhood of Yabna in the Rafah refugee camp killing three children. Also, there are reports that Israeli Army and settlers beat up children and other defenseless Palestinians and imposed curfew on the village of Qasamta, South of Jenin and have heightened military repression in other Palestinian cities, towns and refugee camps.

85. Israeli occupation forces invaded Ateel, north of Tulkarem and were deployed in the streets in large numbers where they broke into people's homes. Israeli soldiers also broke into a Palestinian kindergarten in Hebron. The Israeli army also broke into the Nabi Saleh elementary school, north west of Ramallah and beat up the pupils.

U. PRESIDENT GEORGE BUSH WARNS ISRAELI PRIME MINISTER AGAINST PLANS TO EXPAND JEWISH SETTLEMENTS, 13 APRIL 2005

86. The U.S. President George Bush has delivered a public warning to the Israeli Prime Minister against plans to expand Jewish settlement blocs in the West Bank. President Bush expressed his concern to the Israeli Prime Minister and told him that Israel should not to undertake any activity that contravenes road map obligations or

prejudices final status negotiations. President Bush asked Israeli Prime Minister that Israel should remove unauthorized outposts and meet its road map obligations regarding settlements in the West Bank.

IX. GENERAL COMMENTS

1. The drastic turn created by the death of President Yasser Arafat has been mitigated to a certain extent by the successful conclusion of the Palestinian Presidential election. Palestinians have supported the democratic process in a big way and has once again proved the resolute of Palestinian people to strive for their genuine cause. The need of the hour is to end all forms of violence and initiate a constructive process that would hasten the creation of an independent Palestinian State. It is a welcome development that Israel and the Palestinian Authority had their highest-level contact in Sharm-el-Sheikh. Their statements to end violence would be a significant breakthrough in the peace process and for achieving a just, lasting and comprehensive peace.

2. The actual dangerous problem in this process is the construction of the wall by Israel in Palestinian Occupied Territory. In a landmark advisory opinion rendered by the International Court of Justice in July 2004 found that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, were contrary to international law. Court also opined that Israel was under an obligation to terminate its breaches of international law; it was 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, it was 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. The Court also wanted 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.

3. Despite the overwhelming unanimity, legally, in the form of the Advisory Opinion of the highest judicial power of the United Nations and politically by different tendencies statements against the construction of the wall, Israel is still defying world opinion and is continuing its flagrant violation to International Law International Humanitarian Law (Geneva Conventions) and UN Resolutions regardless all dangerous consequences which might hinder all the efforts towards achieving the Road Map Vision and loosing the new era of non violence which was brought to the area by the Democratic new Palestinian Authority invigored by all the world wide support to it.

4. It may be recalled that the tension in the Middle East, ever since the founding of the State of Israel in 1948, has been a constant source of threat to the maintenance of international peace and security. At Camp David in 1978 and in Oslo in 1993, Israelis, Egyptians and Palestinians have endorsed the only reasonable prescription for peace:

United Nations Resolution 242, it condemns the acquisition of territory by force, calls for withdrawal of Israel from the occupied territories, and provides for Israelis to live securely and in harmony with their neighbors. There is no other mandate whose implementation could more profoundly improve international relations in this troubled area.

5. Over the years, Israel as the occupying power has continued to use excessive and indiscriminate force against the civilian population under its occupation, committing war crimes, state terrorism and systematic human rights violations against the Palestinian people on a daily basis. The world has witnessed, with consternation, powerlessness or resignation, a disconcerting deterioration in the situation on the ground, resulting in an undoubted setback to the Palestinian-Israeli peace process. Now countless months of confrontations, acts of violence and tragedies have brought about the death of thousands of people including children and the elderly, and have left as many injured. Since 28 September 2000 and with the Al-Aqsa Intifada Israel is imposing its own law and committing atrocities in gross violation of all international law principles. Though the Israeli Government persists in describing the second Intifada as a security crisis or a disruption to the “peace process”, in international law Palestinian resistance to occupation is a legally protected right.

6. For more than 38 years, Israel has administered a military occupation of the West Bank, the Gaza strip and East Jerusalem in consistent and relentless defiance of the will of the international community. The international consensus has been expressed through widely supported resolutions passed by the UN Security Council (UNSC) and UN General Assembly. (UNGA). The UN Security Council Resolutions 242, 338, and 1515 affirmed the legal obligation of Israel to withdraw from Palestinian territories obtained in the 1967 six-day war. The principle of land for peace laid down in these resolutions must be the end point of any peace process that can bring lasting peace, since all Israeli measures are for so called security reasons.

7. More important and considered by all International Community as a “historic turning point” was the Beirut Initiative of Peace adopted by Arab Summit which remains till today the prominent Pan Arab initiative which opens a new era of Peace and normalization between “All Arab States and Israel and transcend in force the principle of land for, not only peace, but peace, security, good neighborliness and normalization.

8. Until such time as Israel respects its obligations and works for the real will for peace and security in the benefit of its present people and future generations, it is obliged to, be bound by the relevant principles of international law contained in the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August, 1949, in particular those provisions of the convention that require an occupying power to protect the status quo, human rights and prospects for self determination of the occupied people. Since 1967, Israel has refused to accept this framework of legal obligations. Not only has Israel failed to withdraw from the occupied territories, during the occupation Israel has created heavily armed settlements, bypass roads and security

zones in the midst of a future Palestinian state that seriously compromise basic Palestinian rights.

9. Till these rights are respected and given, the Palestinian right of resistance to the occupation, due to Israeli refusal to implement the underlying directives established by a consensus within the UN. The UN consensus is particularly persuasive because the Palestinian right of self-determination is recognized by a majority of states, the UN has made clear the legal rights and duties in the Israeli-Palestinian conflict in a series of widely supported resolutions, as well as in the Road Map and Arab Summit Beirut Peace Initiative.

10. AALCO as a legal body once again reiterates the urgent need for the international community to take action to address all of the above mentioned serious violations and grave breaches of international law including international humanitarian law being committed by the occupying power against the Palestinian people and urge the Occupying Power "Israel" to seize all the offered opportunities if it wants real peace, security and good neighbouring now and for future generations of her people who endures also from this dramatic situation.