Chapter VI  
Political and security questions  

Middle East

The political and security situation in the Middle East in 2004 was characterized by a stalled peace process and continuing high levels of violence. Throughout the year, both Palestinians and Israelis suffered from violence and ever-mounting death tolls. However, by the end of the year, there were some signs of dialogue and cooperation between Israeli and Palestinian authorities.

The Quartet, a coordinating mechanism for international peace efforts, comprising the Russian Federation, the United States, the European Union and the United Nations, continued its efforts to promote the road map initiative as the best solution to the conflict. The road map, which was endorsed by the Security Council in 2003, aimed to achieve progress through parallel and reciprocal steps by Israel and the Palestinian Authority (PA) in the political, security, economic, humanitarian and institution-building areas, under an international monitoring system. Despite those efforts, little progress was made in the road map’s implementation.

In February 2004, Israel’s Prime Minister, Ariel Sharon, announced a unilateral initiative to withdraw all Israeli civilian settlements, military forces and installations from the Gaza Strip and from an area in the northern part of the West Bank. The Quartet welcomed the plan, which was officially approved by the Israeli Knesset in October. Meanwhile, the situation on the ground continued to deteriorate, especially in the Gaza Strip. Israeli mounted several military operations, while the PA, for its part, failed to halt attacks against Israelis emanating from territories under its control. In May, the Rafah area in Gaza was subjected to a major Israeli military operation, “Operation Rainbow”, aimed at preventing weapons smuggling between Gaza and Egypt. Israeli military bulldozers demolished hundreds of houses in order to widen the border area (known as the Philadelphi route) between Rafah and Egypt. In response to the deteriorating situation, the Security Council, in May, called on Israel to respect its obligations under international humanitarian law and not to undertake demolition of homes contrary to that law. A month-long siege in and around the Gaza town of Beit Hanoun in July left behind broken buildings and flattened crops. On 28 September, a massive military operation was launched in the northern Gaza Strip, particularly in the densely populated towns of Beit Lahiya and Beit Hanoun and the Jabaliya refugee camp, home to over 100,000 refugees. Over 80 Palestinians were killed and more than 300 were injured within a week. Other Palestinian cities, towns and refugee camps (Bethlehem, Jenin, Khan Yunis, Zeitoun, Balata refugee camp) also suffered incursions and blockades, as the crisis intensified, hindering the work of humanitarian aid workers. Israel carried out extra-judicial killings throughout the year, killing, among others, the spiritual leader of the Palestinian Islamist organization Hamas, Sheikh Ahmed Yassin, in March, and Abdel Aziz Al-Rantisi, a political leader of Hamas, in April.

On 11 November, the President of the PA, Yasser Arafat, died of natural causes in Paris. President Arafat had been confined throughout most of 2004 to his headquarters compound in Ramallah under de facto house arrest. Following Mr. Arafat’s death, security cooperation between Israel and the PA resumed and Israel scaled back military activity in areas under the Authority’s control. Palestinian presidential elections were scheduled to take place in January 2005.

Concerned about the continued deterioration of the situation in the region, the Security Council convened on a monthly basis during the year, and at times even more frequently, to discuss the situation in the Middle East, including the Palestinian question. On 25 March, a draft resolution, by which the Council would have condemned the killing of Sheikh Yassin, as well as all terrorist attacks against civilians, was not adopted due to the negative vote of a permanent Council member, nor was a 5 October draft resolution which would have demanded the immediate cessation of all military operations in northern Gaza and the withdrawal of Israeli forces from that area.

The International Court of Justice (ICJ), on 9 July, rendered an advisory opinion on the legal consequences arising from the construction of a separation wall by Israel in the Occupied Palestinian Territory, as requested by the General Assembly in December 2003. The Court, among other things, found that the route of the wall was contrary to international law and that Israel was under an obligation to terminate the construction, to dismantle parts already built and to make reparations for all damage caused to Palestinian
property. On 30 June, Israel’s Supreme Court ruled, among other things, that sections of the wall required re-routing, and the Israeli Government declared that it would abide by the Court’s ruling. Meanwhile, construction of the wall continued throughout the year.

The General Assembly convened its resumed tenth emergency special session in July to discuss the item “Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory”. It adopted a resolution which acknowledged the ICJ advisory opinion and demanded that Israel comply with its legal obligations as defined in the opinion.

International attention focused on Lebanon in early September when the Lebanese Parliament amended the constitution to extend President Emile Lahoud’s six-year term, which was about to expire, by another three years. The Syrian Arab Republic, which maintained a large military presence in Lebanon, supported the move. The amendment was adopted the day after the Security Council adopted a resolution calling for free and fair presidential elections in Lebanon and for the full withdrawal of foreign forces from the country and the disbanding and disarmament of all militias. Syria redeployed some of its troops, but by the end of the year had not withdrawn all of its troops from Lebanon. In October, Prime Minister Rafik Hariri resigned from his post and was replaced by Omar Karami.

In southern Lebanon, Israeli forces and their main Lebanese opponent, the paramilitary group Hizbullah, continued to face each other across the Blue Line, the provisional border drawn by the United Nations following the withdrawal of Israeli troops from southern Lebanon in 2000. Israeli violations of Lebanese airspace continued, while Hizbullah, on a number of occasions, directed anti-aircraft fire at Israeli villages across the Blue Line. The first municipal elections in southern Lebanon since the Israeli withdrawal of 2000 were held in May, with a high voter turnout.

The mandates of the United Nations Interim Force in Lebanon and of the United Nations Disengagement Observer Force in the Golan Heights were extended twice during the year, and the United Nations Truce Supervision Organization continued to assist both peacekeeping operations in their tasks.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East continued to provide education and health and social services to over 4 million Palestinian refugees living both in and outside camps in the West Bank and the Gaza Strip, as well as in Jordan, Lebanon and Syria. With the Government of Switzerland, the Agency, in June co-hosted its first major international conference since its inception.

During the year, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories reported to the Assembly on the situation in the West Bank, including East Jerusalem, the Gaza Strip and the Golan Heights. The Committee on the Exercise of the Inalienable Rights of the Palestinian People continued to mobilize international support for the Palestinians.

### Peace process

#### Overall situation

The Secretary-General, in a November report on the peaceful settlement of the question of Palestine [A/59/574-S/2004/909] (see also p. 486), said that, despite the efforts of the international community through the Quartet and the stated commitment of the parties to the road map initiative as expressed at the summit meeting in Aqaba, Jordan, on 4 June 2003 [YUN 2003, p. 465], the situation in the Middle East was characterized by a stalled peace process and continuing high levels of violence. Throughout 2004, both Palestinians and Israelis suffered from violence and mounting death tolls. The humanitarian situation in the Occupied Palestinian Territory continued to deteriorate sharply, with even a minimum standard of living for many Palestinians being sustained only by assistance from the donor community, particularly by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and other UN programmes. The rising number of deaths and injuries was evidence of the lack of progress in advancing the peace process in 2004. As at 16 September, 825 Palestinians and 136 Israelis had lost their lives in the conflict in the preceding 12 months. Since the eruption of the violence in September 2000 [YUN 2000, p. 416], 3,633 Palestinians and 966 Israelis had been killed.

Neither side took adequate steps to protect civilians, and both were in breach of their international legal obligations. Israel, as the occupying Power, had clear obligations to protect Palestinian civilians and their property. Nevertheless, Palestinian civilians continued to be killed and injured in Israeli military operations, including incursions and pre-emptive strikes, as well as Israeli extrajudicial killings. The scale of destruction of Palestinian property by the Israeli military raised serious concerns about collective
punishment. For its part, the PA had obligations under agreements reached with Israel, international humanitarian law and the road map to protect Israeli civilians from attacks emanating from territories under its control. It failed to live up to those obligations, and Israeli civilians continued to suffer terrorist attacks from Palestinian militant groups, including suicide bombings and Qassam rocket strikes. For each side to cite the actions of the other excused neither from fulfilling its own obligations. More broadly, the parties had not lived up to their road map obligations. The Israeli Government made no progress on its core obligation to dismantle settlement outposts erected since March 2001 and to freeze settlement activities, including natural growth. The PA made no progress on its core obligations to take immediate action to end violence and combat terrorism. The PA and the Israeli Government needed to take the necessary first steps to restore momentum towards peace, otherwise the stalemate would continue and there would be no lasting ceasefire. Those first steps, as outlined by the Secretary-General, were clear: on the Israeli side, the dismantling of settlement outposts and the implementation of a full freeze of all settlement activities, and on the Palestinian side, the implementation of meaningful security reforms and bringing to an end the use of violence in all its forms.

Israel’s settlement expansion and lack of action on removing the outposts erected since 2001 severely undermined Palestinian trust in Israel’s intentions and contributed to strengthening extremist opinion among Palestinians. Despite repeated promises by the Israeli Government, settlement construction continued at a considerable pace, in particular in large settlement blocs. In and around East Jerusalem, settlement activity, both governmental and privately sponsored, proceeded at a rate that observers described as unmatched since 1992. In addition, Israel persisted in confining the elected PA President, Yasser Arafat, to his headquarters in the West Bank.

The security measures taken by the PA remained limited and unclear. Reform of the Palestinian security services was needed to restore law and order as well as the PA’s diminished credibility, specifically the consolidation of all security services into three main bodies, with a professional leadership, under the authority of an effective interior minister.

Throughout 2004, the situation in the Middle East, including the Palestinian question, remained the subject of extensive consultations and debates in the Security Council. On 19 May, the Council adopted resolution 1544(2004), calling on Israel to respect its obligations under international humanitarian law, including its obligation not to destroy Palestinian homes in an illegal manner.

Israel continued construction of the security barrier in parts of the West Bank. On 9 July, the International Court of Justice (ICJ) rendered an advisory opinion on the legal consequences of the wall (see p. 465), declaring that the construction was contrary to international law. The Assembly, in resolution ES-10/15 of 20 July (see p. 465), demanded that Israel comply with its legal obligations.

In February, Prime Minister Ariel Sharon of Israel announced an initiative to withdraw Israeli armed forces from Gaza and parts of the West Bank and to evacuate all settlements in the Gaza Strip, as well as four settlements in the northern West Bank. The Quartet welcomed that step and stated that for the withdrawal to be a real contribution to the peace process, it should lead to an end of the occupation of Gaza and be accompanied by similar steps in the West Bank.

**Occupied Palestinian Territory**

**Communication (14 January).** On 14 January [A/58/682-S/2004/35], Israel informed the Secretary-General and the Security Council President that on that day a female suicide bomber perpetrated an attack in the Gaza Strip, killing four Israeli citizens and wounding 12 others. Hamas and Al-Aqsa Martyrs Brigade jointly claimed responsibility for the bombing.

**Security Council consideration (January).** The Security Council met on 16 January [meeting 4865] to discuss the situation in the Middle East, including the Palestinian question.

The Under-Secretary-General (USG) for Political Affairs, Kieran Prendergast, said that there had been little progress towards peace since the last Council briefing in December 2003 [YUN 2003, p. 483], and the peace process remained stalemated. That process would resume only when both parties recognized that their mutual concerns could be addressed solely through parallel steps, and not in a sequential manner littered with preconditions. That approach, adopted by the road map, would require both the Palestinians and the Israelis to acknowledge and address each other’s core concerns.

Israel’s most basic concern remained the security of the State and the Israeli people. In response, as a necessary first step, the PA should take action to halt all acts of violence against Israelis. The Palestinians’ most basic concerns were territory and viability—meaning the end of occupation and the establishment of an independent, sovereign and viable State in the West Bank.
and Gaza Strip. In response, and also as a necessary first step, Israel should halt settlement expansion, the construction of the separation wall and all action that worked against the contiguity of the State. Despite initial contacts between the new Palestinian Government and the Israeli Government, both parties continued to ignore each other’s core concerns, thereby falling short of carrying out their preliminary commitments under the Quartet’s road map.

The PA had taken no tangible measures to establish control over the various groups that used violence and terror. It also failed to reform its security apparatus or to consolidate it under the authority of an empowered interior minister, as called for in the road map. At the same time, Palestinian militant factions failed to agree on a comprehensive cessation of violence, although they continued their dialogue thanks to the efforts of the Egyptian Government. In addition, there was a deterioration in the PA’s capability to maintain domestic law and order. If that trend continued, there could be more unrest in Palestinian streets, with negative repercussions for the PA’s governing control.

The Israeli Government repeatedly committed itself to implementation of the road map; however, its statements were not matched by action. Israel did not fulfill its core commitment to remove all settlements erected since March 2001 and to implement a complete settlement freeze. In fact, settlement outposts had increased and the Government was proceeding with the construction of the West Bank barrier. Together with other settlement infrastructure and a tight closure policy, that construction was fragmenting with other settlement infrastructure and a tight construction of the West Bank barrier. Together with other settlement infrastructure and a tight closure policy, that construction was fragmenting with other settlement infrastructure and a tight construction of the West Bank barrier.

In the face of the discouraging situation, the international community had to maintain its involvement in the peace process, in the view of the UNSG. The Security Council, the General Assembly and the Quartet had made efforts to revive the peace process; nevertheless, it was all too apparent that a more vigorous involvement of the key players in the international community was needed.

During the preceding month, both sides continued to experience violence: 58 Palestinians and 11 Israelis were killed, and 440 Palestinians and 65 Israelis were wounded. Israel Defense Forces (IDF) resumed extrajudicial killings and launched at least 15 incursions into Palestinian villages and refugee camps, which often involved the use of disproportionate and deadly force in civilian areas.

The situation on the ground caused great harm to the Palestinian economy. Israel’s internal and external closures of the Occupied Palestinian Territory remained the central impediment to economic stabilization and recovery. Slight economic improvement was reported in places, due in part to IDF troops moving out of some Palestinian cities, but closure remained the defining reality for those areas, with roadblocks and, in some places, construction of the barrier almost completely halting movement. The closure system continued to impede the international community’s efforts to deliver humanitarian aid.

### Communications (30 January, 11 February)

On 30 January [A/58/697-S/2004/80], Israel informed the Secretary-General and the Council President that on 29 January a PA policeman perpetrated a suicide attack in central Jerusalem, killing 10 people and wounding over 50.

On 11 February [A/ES-10/256-S/2004/107], the Permanent Observer of Palestine said that on that day Israeli forces, backed by tanks, raided a densely populated neighbourhood in Gaza City, killing at least 12 Palestinians and wounding 50 others.

### Israeli withdrawal plan

In early February, Prime Minister Sharon announced that Israel would unilaterally undertake military disengagement leading to eventual total withdrawal of settlements from the Gaza Strip and from an area in the northern Samaria in the West Bank. Israel planned to maintain a military presence along the border between the Gaza Strip and Egypt (Philadelphi route) and to continue construction of the barrier for security purposes. The evacuation process was scheduled to be completed by the end of 2005. Upon completion, there would no longer be any permanent presence of Israeli security forces or Israeli civilians in Gaza and the Samaria area, according to the announcement.

### Security Council consideration (18 February)

The Security Council, on 18 February [meeting 4912], discussed the situation in the Middle East, including the Palestinian question.

The Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, Terje Roed-Larsen, noted that key Israeli and Palestinian officials had met recently. He welcomed Mr. Sharon’s bold step—the announcement about the planned Israeli withdrawal from the Gaza Strip, where Israelis controlled about 40 percent of the land. Palestinian Prime Minister Ahmed Qurei had also welcomed the initiative, saying he would accept it as a first step of a broader withdrawal. Similarly, the Secretary-General said that the withdrawal from Gaza had to be seen as a first step, and it had to be
made in the context of the road map and as part of a cooperative engagement between Israel, the PA and the international community. The announcement set the stage for three possible scenarios in the coming months. One was the resumption of a vigorous peace process, with re-engagement between Israel and many of its Arab partners. The second was unilateral Israeli disengagement from parts of the Occupied Palestinian Territory, starting in Gaza, but not as part of a process or re-engagement. The third centred on the inability of the parties to enact that withdrawal, thereby maintaining the status quo, with all its attendant violence and misery. The Personal Representative urged the two leaders to work to fulfil their obligations under the road map and urged the Quartet to re-engage with the parties.

Meanwhile, the situation on the ground remained in a stalemate characterized by continued violence and lack of constructive progress on the road map, with Israeli occupation firmly entrenched and little concrete Palestinian movement on reform. The withdrawal announcement occurred in the context of an upsurge in violence that led to more bloodshed, loss of life and misery. Since the last briefing on 16 January (see above), 11 Israelis and 65 Palestinians were killed, and at least 305 Palestinians and 58 Israelis were injured. The humanitarian situation remained dire in the West Bank and Gaza Strip. Continued closures and Israeli military operations hindered Palestinian economic and social activity and caused the Palestinian people to endure daily humiliations. The economic situation was marked by high unemployment and widespread poverty. However, the West Bank economy stabilized in 2003, attributed in part to some easing of the closure measures, and, according to international financial institutions, its economy grew by 4.5 per cent in 2003, with a concurrent gain in employment.


Security Council consideration (18 March). The Security Council, on 18 March [meeting 4927], discussed the situation in the Middle East, including the Palestinian question.

The Assistant Secretary-General for Political Affairs, Danilo Türk, said that despite the rise in violence since the 18 February briefing (see p. 455), the possibility of peace remained open. Prime Minister Sharon’s announcement of a plan for disengaging from the Gaza Strip had attracted substantial attention. To garner the support of the international community and strengthen its chances for success, the withdrawal should have four main features: it should be part of the Quartet’s road map; it should occur in partnership with the PA; the withdrawal should be complete; and it should be considered by all as a first step towards the end of Israeli occupation, as set forth in relevant Council resolutions. Quartet envoys met on 10 March in Washington, D.C., to discuss the possible Gaza Strip withdrawal and other relevant issues. They agreed to work towards a Quartet principals’ meeting in the next few months, and considered ways to revitalize the road map process. Those efforts were taking place while violence continued unabated. Since the last briefing to the Council, 10 people lost their lives to the conflict—80 Palestinians and 21 Israelis. The toll from Israeli military operations in the Gaza Strip grew, and Israel carried out extrajudicial killings during the reporting period. Israel had a duty to protect its citizens from terrorist attacks, and it had a concomitant responsibility under international law to protect the lives of the civilians in the territory it occupied. Thus, in the aftermath of an operation carried out on 7 March in a densely populated part of the Gaza Strip that resulted in the deaths of 14 Palestinians—including several children—the Secretary-General called on the Israeli Government to abide by its obligations under international humanitarian law to avoid civilian casualties and to desist from the use of disproportionate force in densely populated areas. The reporting period also witnessed terrorist attacks against Israeli civilians. The United Nations was of the view that no cause could justify such acts, and it called on
the PA to take up its security responsibilities under the road map. It was imperative that those who planned, carried out and facilitated terrorist acts be brought to justice.

West Bank barrier construction continued at a rapid pace around Jerusalem and Ramallah. However, the Israeli High Court of Justice extended a freeze until 17 March on construction of a section north-west of Jerusalem to examine petitions brought by eight Palestinian villages. The Court ordered the Government to respond to claims that the barrier was cutting off the basic needs of the villages. The Government agreed to modify certain plans and to negotiate with villagers on others.

**Assassination of Sheikh Yassin**

On 22 March [A/ES-10/202-S/2004/231], the Permanent Observer of Palestine said that Israeli forces carried out on that day an extrajudicial execution by killing Sheikh Ahmed Yassin in Gaza City. On the same day [S/2004/292], the European Union (EU) condemned the extrajudicial killing of Sheikh Yassin by IDF in a missile attack.

**Security Council consideration (23 and 25 March).** At the request of the Libyan Arab Jamahiriya, on behalf of the Arab Group [S/2004/233], the Security Council, on 23 [meeting 4929] and 25 March [meeting 4954], considered the situation in the Middle East, including the Palestinian question.

At the 23 March meeting, the Permanent Observer of Palestine described the murder of the spiritual leader of the Hamas movement, Sheikh Yassin, in an attack which Israeli Prime Minister Sharon indicated he personally supervised and said that he would continue that policy. The Permanent Observer said that the Palestinians valued the readiness of the vast majority of the Council members to take a clear position vis-à-vis what had happened. As far as Prime Minister Sharon’s plan for withdrawal from Gaza was concerned, the Permanent Observer said that a unilateral step could not be part of the road map, for disengagement could not be part of a negotiated withdrawal. He also expressed concern about Israel’s construction of a separation wall, even after the matter was submitted to ICJ for an advisory opinion. The wall represented an illegitimate annexation, as a fait accompli, of large areas of Palestinian land, and it rendered impossible any implementation of the two-State solution. The wall was the central issue for the Israeli Government; halting its construction and destroying it was a major issue for the international community.

Israel said that in the three and a half years of Palestinian terrorist attacks that had murdered hundreds of innocent Israeli civilians, the Council had not met even once to condemn an attack. The Council, instead, was meeting to come to the defence of one of its prime perpetrators. Although the Council never met to discuss the attacks for which Sheikh Yassin was responsible, the list was gruesome and shocking. Under Sheikh Yassin’s direct leadership, Hamas had perpetrated over 425 attacks that killed 377 Israelis and wounded 2,076 in less than three and a half years. He stood at the head of a command and control structure dedicated to the destruction of Israel. Sheikh Yassin personally instigated and authorized homicide attacks, encouraged individuals to become suicide bombers, ordered missile attacks against Israeli communities, coordinated activities with other terrorist organizations and collected funds for terrorist activity, campaigning throughout the Arab world to raise millions of dollars to improve Hamas terrorist capabilities. Through his words he spawned an ideology of hatred, incitement and murder, glorified as martyrdom. By any reasonable standard of international law, Israel had a legitimate right, in fact a duty, to defend itself against illegal combatants and their commanders. The Palestinian leadership had proved beyond any doubt that it had no intention of fighting terrorism, as it was legally and morally obliged to do. Sheikh Yassin lived and operated for years in the safe haven of the PA, in violation of the most basic international norms. The operation against Sheikh Yassin constituted a stride forward in Israel’s march against fundamentalist terrorism, as Sheikh Yassin was one of the greatest obstacles to the cessation of hostilities and the renewal of negotiations. The road map explicitly required the elimination of Hamas and all other terrorist organizations and called for an end to funding and support for their efforts.

On 25 March, the Council had before it a draft resolution sponsored by Algeria and the Libyan Arab Jamahiriya [S/2004/280], by which the Council would have condemned the killing of Sheikh Yassin, as well as all terrorist attacks against any civilians.

The United States said that it would vote against the draft resolution because it was silent about the terrorist atrocities committed by Hamas, did not reflect the realities of the Middle East conflict, and would not further the goals of peace and security. The United States was deeply troubled by the killing of Sheikh Yassin, which had led to escalated tensions in Gaza and the region and could set back efforts to resume progress towards peace. However, events needed to be considered in their context, and the Council did nothing to contribute to a settlement when it condemned one party’s actions and turned a
blind eye to other developments. The draft resolution condemned the killing of the leader of Hamas, a terrorist organization dedicated to the destruction of Israel, but failed to condemn the suicide bombing carried out by Hamas in the Israeli port of Ashdod that had killed 10 Israelis, despite the request of Member States that such references be included. The Council should focus on ways to advance the goal of the two States—Israel and Palestine—living side by side in peace and security. The draft resolution did not advance that goal.

The draft resolution was not adopted owing to the negative vote of a permanent member of the Council (11-1-3).

Speaking after the vote, the Russian Federation expressed regret that the Council was unable to respond to the development of events in the Palestinian territories resulting from the killing of Sheikh Yassin. Russia voted in favour of the draft because it condemned all terrorist attacks against civilians.

Other developments

Communications (7 and 19 April). On 7 April [A/ES-10/265-S/2004/279], the Permanent Observer of Palestine said that following the killing of Sheikh Yassin, Israeli government and military officials made repeated statements hinting that similar action would be taken against Yasser Arafat, the PA President. At the same time, IDF continued to kill and wound Palestinian civilians. In fact, at least 23 Palestinians had been killed since 22 March.

On 19 April [A/ES-10/264-S/2004/304], the Permanent Observer said that, two days earlier, Israeli forces carried out another extrajudicial execution by killing Abdel Aziz Al-Rantisi, a political leader of Hamas.

Security Council consideration (19 April). At the request of Egypt, on behalf of the Arab Group [S/2004/303], the Security Council, on 19 April [meeting 4945], considered the situation in the Middle East, including the Palestinian question.

The Permanent Observer of Palestine said that, on 17 April, less than four weeks after the death of Sheikh Yassin, IDF committed another extrajudicial execution by killing Mr. Al-Rantisi. That crime was carried out following repeated threats by Prime Minister Sharon and other Israeli officials to target Palestinian leaders, in flagrant violation of international law. Unable to uphold its duties for the maintenance of international peace and security when it came to the Occupied Palestinian Territory, the Council had allowed Israel to continue acting beyond the parameters of international law, and failed to take measures to ensure the protection of the Palestinian civilian population in the occupied territories. With regard to Israel’s decision to unilaterally withdraw from Gaza, the proposal fell far short of any real withdrawal, as control of international borders, airspace and water remained in the hands of the occupier. Israel continued to use the pretext of fighting terrorists to justify all its actions against the Palestinian people. The Permanent Observer said that terrorism and violence constituted one of the dynamics of the conflict. It was a dynamic that had taken on more prominence in recent years, but it did not constitute the conflict itself. The conflict was about the belligerent military occupation of another people and their land by a foreign Power for nearly four decades. The Council had to take bold actions to ensure compliance with its own resolutions and adherence to international law and to bring an end to the cycle of violence that had prevented the realization of genuine peace.

Israel said that the Council was convened again not to condemn the murder of innocent civilians by organizations such as Hamas, but to denounce the demise of a key architect of those massacres. Just hours before the targeted counter-terrorist operation against Mr. Rantisi, the organization he headed claimed responsibility, together with the Al Aqsa Martyrs Brigade, for yet another suicide attack against Israelis. Mr. Rantisi sought to destroy any peace initiative and called for the destruction of Israel. He developed alliances with terrorist groups operating around the world, supported by regimes in Syria and Iran, and was committed to fostering terrorism in Iraq and throughout the Western world. A paediatrician by training, that doctor led the campaign to mobilize women and children for use in homicide bombings. Had it been possible to arrest Mr. Rantisi, while minimizing harm to civilian life, Israel would have done so, but in the absence of cooperation from the PA, Israel was left with no choice but to target those who planned and executed the murder of innocent Israeli civilians. The targeting of Mr. Rantisi was not merely a necessary defensive act to prevent ongoing and planned attacks against innocent civilians, but it was part of the global struggle against terrorism. As the struggle against terrorism continued, Prime Minister Sharon launched a bold and unprecedented initiative to bring new hope and opportunity to the peace process. The disengagement plan, when approved, would lead to the evacuation of settlements and military installations in the Gaza Strip and parts of the West Bank. Although not required by the road map, it was an opportunity to restart that process, to which Israel remained committed. In the absence of a peace partner, Israel was compelled to
propose that unprecedented initiative itself, but it hoped to implement it in a coordinated fashion that would ensure stability and security for Israelis and Palestinians, provide a humanitarian infrastructure and rekindle the peace process.

The United States urged all parties to exercise maximum restraint and stressed that it was committed to ensuring that Mr. Sharon’s plan was consistent with the road map and the realization of two States, Israel and Palestine, living side by side in peace and security. An Israeli withdrawal from Gaza would provide a rare opportunity for real progress. It was particularly noteworthy that that step was being proposed by Mr. Sharon, who was an architect of the Israeli settlements policy of the 1970s. The proposal was an important and positive development.

Egypt deplored the extrajudicial assassinations of Palestinians by the Israeli army. It said that any withdrawal from the Palestinian territories had to be coordinated with the Palestinians and followed up by other measures in order to implement the concept of two neighbouring States living side by side in peace and security and within guaranteed borders.

**Communication (22 April).** On 22 April [A/ES-10/265-S/2004/39], the Permanent Observer of Palestine said that, beginning on 20 April, IDF launched a raid on the town of Beit Lahiya in the northern Gaza Strip. The raid lasted three days and resulted in the death of 13 Palestinians.

**Security Council consideration (23 April).** The Security Council, on 23 April [meeting 4951], heard a briefing by the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, who used his monthly briefing to focus on what he saw as a crucial and potentially seminal juncture in the implementation of the road map. It was particularly noteworthy that that step was being proposed by Mr. Sharon, who was an architect of the Israeli settlements policy of the 1970s. The proposal was an important and positive development.

Egypt deplored the extrajudicial assassinations of Palestinians by the Israeli army. It said that any withdrawal from the Palestinian territories had to be coordinated with the Palestinians and followed up by other measures in order to implement the concept of two neighbouring States living side by side in peace and security and within guaranteed borders.

Meanwhile, the PA had to reorganize its ailing security system under the authority of an empowered interior minister and had to curb violence and terror, for there was no excuse for the PA to avoid fulfilling that obligation any longer. Fighting terrorism was not a payoff that depended on the reciprocity of Israeli measures. While preparing for the withdrawal, Israel should remove all settlement outposts erected since March 2001 and completely freeze settlement activities in the West Bank. In short, the withdrawal from Gaza had to be part of the implementation of the road map, not a substitute, for it represented the consensus of the international community on how to resolve the Arab-Israeli conflict in a realistic, gradual and comprehensive way, encompassing the Syrian and Lebanese tracks. It tackled both immediate concerns and final status issues. Regarding security and territory, the road map laid out concrete, reciprocal and parallel steps that both parties should take to reverse the situation.

Both parties failed to meet their obligations. Israel did not dismantle the settlement outposts, implement a settlement freeze or abstain from taking measures undermining trust. In fact, by the time the road map implementation collapsed in 2003, settlement outposts had actually increased. Large tracts of Palestinian land were confiscated for the construction of the barrier, directly impacting tens of thousands of people. Also during the attempted implementation of
the road map, many Palestinians were killed and extrajudicial assassinations continued. Despite the efforts of Prime Minister Mahmoud Abbas, the PA failed to curb violence or reorganize its security services under the Interior Minister. Terrorist attacks continued, claiming more innocent Israeli lives and raising Israeli scepticism about Palestinian commitment. Unable to exercise his powers, Mr. Abbas resigned, bringing the road map process to a halt. Since then, and despite the goodwill of the new Prime Minister, Ahmed Qurei, the PA’s credibility was diminishing. In fact, the PA had reached a state of near paralysis.

Palestinians needed to be reassured that a final status agreement would respect their basic rights regarding the refugees, the settlements, the status of Jerusalem and the borders. Israelis needed to be reassured that the final peace agreement would really be final, ending violence and leading to Israeli acceptance by all its neighbours, and that it would be a negotiated, fair and realistic deal. By articulating such a political horizon to the parties, the road map aimed to embolden them to perform the most difficult immediate tasks, notably on security and territory. However, it was unrealistic to expect that the parties, mired in a violent relationship devoid of trust, would perform the decisions necessary to return to the path of peace. Therefore, it was incumbent on the international community, with the Council at the forefront, to lead the parties towards a viable solution. By adopting resolution 1397 (2002) [YUN 2002, p. 418], the Council enshrined the end goal of the peace process: two States, Israel and Palestine, living side by side in peace and security. The Council also adopted the way to achieve that goal, the road map, in resolution 1515 (2003) [YUN 2003, p. 483].

Communications (30 April and 3 May). On 30 April [A/58/785-S/2004/354], Malaysia, as Chairman of the tenth session of the Islamic Summit Conference, transmitted the Declaration on Palestine, adopted at a special meeting on the Middle East (Putrajaya, Malaysia, 22 April). The Declaration, among other things, rejected the unilateral Israeli plan as it breached resolutions on international legitimacy and contradicted the provisions of the road map. It called on Israel to stop and reverse the construction of the wall in the occupied territories and urged the Security Council to consider the deployment of a UN peacekeeping force or a mechanism to monitor the implementation of the road map.

On 3 May [A/58/780-S/2004/350], Israel said that on the previous day two Palestinian terrorists killed a pregnant Israeli mother and her four young daughters in the Gaza Strip.

Quartet meeting (4 May)

Representatives of the Quartet—the UN Secretary-General, the Russian Foreign Minister, the Irish Foreign Minister, the United States Secretary of State, the High Representative for European Common Foreign and Security Policy and the European Commissioner for External Affairs—met in New York on 4 May to review developments since their last meeting [YUN 2003, p. 473]. The Quartet, in a joint statement [S/2004/421], called on the two sides to implement the road map. It condemned the continuing terror attacks on Israel, and called on the PA to take immediate action against those who planned and executed them. The Quartet members recognized Israel’s legitimate right to self-defence in the face of terrorist attacks, within the parameters of international humanitarian law. They called on Israel to ease the humanitarian and economic plight of the Palestinian people, including increasing freedom of movement for people and goods both within and from the West Bank and Gaza, removing checkpoints, and taking other steps to respect the dignity of the Palestinian people and improve their quality of life. As stipulated in the road map, Israel should take no actions undermining trust, including deportations, attacks on civilians, and confiscation and/or demolition of Palestinian homes and property. The Quartet noted the Israeli Government’s pledge that the barrier under construction would be a security rather than a political barrier, and would be temporary rather than permanent. It expressed concern that the proposed route of the barrier restricted the movement of people and goods, and undermined Palestinians’ trust in the road map process as it appeared to prejudge the final borders of a future Palestinian State.

The Quartet welcomed the announced intention of Israeli Prime Minister Sharon to withdraw from all Gaza settlements and parts of the West Bank, as potentially a rare opportunity in the search for peace in the Middle East. That initiative, which had to bring about a full Israeli withdrawal, could be a step towards achieving the two-State vision. According to the Quartet, any unilateral initiatives by Israel should be undertaken in a manner consistent with the road map and the two-State vision, and no party should take unilateral actions that sought to predetermine issues that could be resolved only through negotiation and agreement between the two parties.

The Quartet and the international community were prepared to intensify their engagement with the Palestinians to restore momentum on the road map, enhance Palestinian humanitarian and economic conditions, build transparent and accountable Palestinian institutions, ensure
security and stability in Gaza and the West Bank, prevent all acts of terrorism, and ensure the dismantlement of armed terrorist groups. In furtherance of those goals, the Quartet would take the following steps, with mechanisms to monitor performance by all sides: it would act on an urgent basis, in conjunction with the World Bank, the Office of the United Nations Special Coordinator for the Middle East Peace Process and the Ad Hoc Liaison Committee, on the basis of a World Bank/Office of the Special Coordinator rapid-assessment study, to ensure that Palestinian humanitarian needs were met, Palestinian infrastructure was restored and developed, and economic activity was reinvigorated. The Quartet was prepared to engage with a responsible and accountable Palestinian leadership, committed to reform and security performance. Through an empowered Prime Minister and Cabinet, the Task Force on Palestinian Reform, and in connection with the major donors working through the Ad Hoc Liaison Committee and the Local Aid Coordination Committee, the Quartet would engage the Palestinians to reinvigorate the reform agenda of the road map, paying particular attention to areas from which Israel planned to withdraw. The Quartet would seek to ensure that arrangements were put in place to ensure security for Palestinians and Israelis as well as freedom of movement and greater mobility and access for Palestinians. It underscored the need for agreed, transparent arrangements with all sides on access, mobility and safety for international organizations and bilateral donors and their personnel. As Israel withdrew, custody of Israeli-built infrastructure and land evacuated by Israel should be transferred through an appropriate mechanism to a reorganized PA in coordination with representatives of Palestinian civil society, the Quartet and other representatives of the international community to determine equitable and transparent arrangements for the ultimate disposition of those areas as quickly as possible. In coordination with, and under the auspices of, an oversight committee led by the United States, and in coordination with the empowered PA Prime Minister and Cabinet, Palestinian security services should be restructured and retrained, consistent with the road map, to provide law and order and security to the Palestinians, to end terror attacks against Israel and Israelis and to dismantle terrorist capabilities and infrastructure. The Quartet reminded all parties of the obligation to make rapid progress towards resumption of the political dialogue, and added that a coordinating and oversight mechanism under its auspices would be established.

Israeli military operations in Gaza


Press statement of Secretary-General (19 May). The Secretary-General, on 19 May, condemned the killing and injuring of Palestinian demonstrators in southern Gaza on that day. He called on Israel to halt the military operations immediately. The Secretary-General was distressed by the killing of peaceful demonstrators, many of them women and children. He again warned Israel that it had to abide by its obligations as an occupying Power, which included protecting the civilian population and eschewing the disproportionate or indiscriminate use of force.


The Security Council,


Reiterating the obligation of Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Calling upon Israel to address its security needs within the boundaries of international law,

Expressing grave concern at the continued deterioration of the situation on the ground in the territory occupied by Israel since 1967,

Condemning the killing of Palestinian civilians that took place in the Rafah area,

Gravely concerned by the recent demolition of homes committed by Israel, the occupying Power, in the Rafah refugee camp,

Recalling the obligations of the Palestinian Authority and the Government of Israel under the road map,

Condemning all acts of violence, terror and destruction,
Reaffirming its support for the road map, endorsed in its resolution 1397(2003),

1. Calls upon Israel to respect its obligations under international humanitarian law, and insists, in particular, on its obligation not to undertake the demolition of homes contrary to that law;
2. Expresses grave concern regarding the humanitarian situation of Palestinians made homeless in the Gaza area, and calls for the provision of emergency assistance to them;
3. Calls for the cessation of violence and for respect of and adherence to legal obligations, including those under international humanitarian law;
4. Calls upon both parties to implement immediately their obligations under the road map;
5. Decides to remain seized of the matter.

VOTE ON RESOLUTION 1544(2004):

In favour: Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom.

Against: None.

Abstaining: United States.

Speaking after the vote, the United States said that while it believed that Israel had the right to act to defend itself, its operations in Gaza did not serve the purposes of peace and security, but had actually worsened the humanitarian situation and resulted in confrontations between Israeli forces and Palestinians. Noting that the Israeli Government had expressed regret for what it called a tragic event, the United States said those events served as a reminder of the wisdom of Israel disengaging from Gaza and having its security presence replaced by reformed Palestinian security forces. While concerned about Israel’s operations in Gaza, the United States could not vote in favour of the resolution because it did not sufficiently address the context of the events in Gaza. It was clear that Palestinian terrorists were smuggling weapons into Gaza through tunnels in Rafah and that the PA failed to address that threat or to end terrorist acts. Because those issues were not addressed, the United States abstained.

The Permanent Observer of Palestine said that the slaughter of innocent Palestinians in the Rafah camp was the most recent illustration of the barbaric action of the occupying Power and an act of State terrorism. During the preceding few days, that practice had escalated in the Rafah area, causing vast destruction. IDF, by using armoured bulldozers, tanks and helicopter gunships, raided the area, destroying more than 100 homes. More than 1,100 Palestinians were made homeless and hundreds of others fled the area. Since September 2000, more than 1,300 homes in Rafah alone had been demolished or made unliveable. Israel’s aim was the effective levelling of the Rafah camp and areas in the city of Rafah to allow for the enlargement of its so-called security zone.

Israel said that the Council had convened again at the behest of the Palestinian Observer, under a barrage of misinformation. According to Israel, during a procession of several thousand demonstrators, which was organized by the PA and included many gunmen, seven Palestinians were killed, of whom four or five were armed terrorists. While Israel regretted any loss of civilian life, those numbers put the incident into proportion. The city of Rafah served as the PA’s main pipeline for transporting weapons and ammunition in Gaza. Since September 2000, subterranean tunnels constructed underneath the “Philadelphia route” had been used by Iran and Hezbollah, as well as by Palestinian terrorist organizations like Hamas, for turning the Gaza Strip into a base for missile and rocket attacks against Israeli targets. The tunnels were typically dug from inside homes to evade discovery by Israeli security personnel. The purpose of the IDF action in Gaza was to terminate the transfer of all illegal weapons by underground tunnels to Gaza. Since April 2004, IDF had exposed eight such tunnels in the Rafah area, in addition to 101 tunnels found since the beginning of the intifada in September 2000. IDF demolished only those structures involved in terrorist and violence against Israeli civilians, and under international law those structures were considered legitimate military targets.

Communication (20 May). On 20 May [A/58/510-S/2004/415], the Permanent Observer of Palestine said that in the immediate wake of the adoption of resolution 1544(2004) (above), several Israeli officials publicly declared the intention to continue the military campaign; meanwhile, IDF continued killing Palestinian civilians (more than 100 in the preceding three weeks) and destroying Palestinian homes in the Rafah area. In the light of that situation, it was imperative that concerted efforts be taken by the United Nations to ensure compliance by Israel with that resolution.

Security Council consideration (21 May). The Security Council, on 21 May [meeting 4624], discussed the situation in the Middle East, including the Palestinian question.

The USG for Political Affairs, Mr. Prendergast, said that the situation since the last briefing of 23 April (see p. 459) had been characterized by growing violence, destruction and despair. Since then, 128 Palestinians and 19 Israelis had been killed, and hundreds more injured. IDF demolished hundreds of Palestinian homes and continued its policy of extrajudicial killings, in breach of its obligations under international law. Economic conditions continued to worsen, bringing
yet more suffering. At the political level, deadlock prevailed. The Quartet, on 4 May, reiterated its commitment to assisting Israelis and Palestinians out of the morass through implementation of the road map. However, action by the international community or the Quartet was no substitute for steps taken by the parties. In early May, a majority of the Likud party voted against Prime Minister Sharon’s initiative to withdraw unilaterally from the Gaza Strip; nevertheless, Mr. Sharon reiterated his intention to pursue the plan. Support for a withdrawal was expressed by the tens of thousands of Israelis who demonstrated in Tel Aviv and by opinion polls that showed strong popular support for a Gaza pullout. Unfortunately, that debate cast a shadow over more fundamental issues, namely, the nature, scope and terms of a Gaza withdrawal, and its relationship to implementation of the road map. Consequently, a stalemate had developed while awaiting political decisions for transforming the initiative into a specific plan leading to the end of the occupation. Israeli settlement expansion continued unabated in Gaza and the West Bank, prompting Palestinians to wonder if all the talk about evacuation was a cover-up for more expansion. In addition, the construction of the barrier continued to erode Palestinian territory and Palestinian hope. According to estimates, the latest Israeli construction plans would put more than 12 per cent of the West Bank—plus occupied East Jerusalem—on the Israeli side of the barrier. Although Mr. Sharon stated that the barrier was temporary, the Palestinians saw it as the greatest single threat to the viability of a future State.


Security Council consideration (23 June). The Security Council, on 23 June [meeting 4995], met to discuss the situation in the Middle East, including the Palestinian question.

The USG for Political Affairs said that the situation remained tense; the conflict continued to claim lives, economic conditions worsened, hope for a better future was low, and suffering continued—all of which contributed to a climate of despair and extremism. Since his May briefing, 39 Palestinians and two Israelis were killed and 309 Palestinians and 32 Israelis were wounded. Once the Israeli incursion into Rafah ended on 24 May, a full picture emerged of the impact that Israel’s Operation Rainbow had had on the ground. According to UNRWA, 167 buildings, housing 379 families or 2,066 people, were destroyed or damaged beyond repair by Israeli forces in what was one of the most destructive operations in the Gaza Strip since September 2000. Since that date, a total of 3,437 Palestinians and 942 Israelis had been killed, and 1,476 structures were destroyed in Rafah town and refugee camp, affecting almost 15,000 people. In the course of Operation Rainbow, 53 Palestinians were killed. The operation uncovered three tunnels used to smuggle weapons. On 2 and 3 June, Israeli forces, with tanks and bulldozers, again entered Rafah town and camp, demolishing 11 more buildings, 4 of them partially. Closures continued throughout the West Bank. IDF conducted a number of search-and-arrest operations following security warnings, and extrajudicial killings continued. Curfews were imposed repeatedly in most West Bank Palestinian towns and villages. Bethlehem was declared a closed military zone for almost a week. Construction of the Israeli barrier continued at a rapid pace in and around Jerusalem, and more Palestinian land was confiscated for the construction. An increasing number of Palestinians and international peace activists demonstrated against the barrier. Attacks against and harassment of UN staff and property by IDF forces also increased. Palestinian violence continued as well, with mortars fired on Israeli settlements in Gaza and a suicide bomb attack.

The proposed Israeli withdrawal from the Gaza Strip and parts of the West Bank could help to break the political stalemate. On 7 June, the Israeli Government adopted a plan related to that initiative. Under that plan, disengagement would proceed in four stages and would involve the evacuation of all settlements and military installations in the Gaza Strip as well as the dismantling of four settlements in the northern West Bank, by the end of 2005. First, the isolated Gaza settlements of Morag, Netzarim and Kfar Darom would be evacuated, followed by the West Bank settlements of Kadim, Ganim, Sanur and Homsheh. Then the remaining Gush Katif settlements would be evacuated, and finally, the northern Gaza settlements of Nissani, Elei Sinai and Dugit would be dismantled. Another vote by the Israeli cabinet would be necessary before implementation could begin. Palestinian Prime Minister Qurei stated that the PA welcomed the disengagement plan so long as it was implemented as a
part of the road map. However, if the withdrawal from Gaza and parts of the West Bank was to mark a new beginning in the peace process, both sides, Israeli and Palestinian, would have to play a part. Although the initiative was unilateral, its successful application required cooperation between all parties. The PA had a major role to play in the success of the withdrawal, and that role was contingent on the Palestinian leadership also fulfilling its obligations under the road map. The PA had to establish security control in the vacated areas. It also had to revitalize, reorganize and reform itself. Among the most urgent tasks were the strengthening of Palestinian institutions and promotion of the rule of law. That included the genuine empowerment of Prime Minister Qurei and his cabinet, and the unification of the Palestinian security forces into three components under the authority of an empowered interior minister.

Communications (25 June-15 July). On 25 June [A/58/849-S/2004/520], Turkey transmitted to the United Nations the text of the declaration adopted by the Islamic Conference of Foreign Ministers at its thirty-first session (Istanbul, Turkey, 14-16 June). The declaration, among other things, urged the Quartet to work to stop the Israeli aggression in all its forms and secure protection for the Palestinian people. In a resolution adopted at the meeting [A/58/856-S/2004/582 & Corr.1], transmitted on 15 July, the Foreign Ministers rejected the Israeli unilateral plan and condemned Israel for the assassination of Sheikh Yassin. It called for the cessation of all political contacts with the Israeli Government as long as the blockade against the Palestinian people continued.

On 28 June [A/58/850-S/2004/321], Israel said that on that day Palestinian terrorists fired four rockets on the southern town of Sderot, killing two Israeli civilians and injuring at least 11 others. On 7 July [A/ES-10/272-S/2004/544], the Permanent Observer of Palestine said that Israel continued to invade Palestinian towns and used excessive and indiscriminate force against the Palestinian civilian population. Over the previous month, IDF killed at least 55 Palestinians. Israeli forces also continued to attack the Rafah area.

Security Council consideration (13 July). The Security Council, on 13 July [meeting 5002], discussed the situation in the Middle East and heard a briefing by the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, Mr. Roedl Larsen, who described the latest round of the conflict. Since the last monthly briefing of 23 June, violence continued, claiming the lives of 61 Palestinians and seven Israelis, and wounding more than 580 Palestinians and 71 Israelis. The PA, despite promises by its leadership, made no progress on its core obligation to end violence, combat terror and reform and reorganize itself. Israel made no progress either on its core obligation to dismantle settlement outposts erected since March 2001 and to move towards a complete freeze of settlement activities. The slow progress on the implementation of Palestinian reform could not be explained except by the lack of political will. The PA decided to hold local elections as early as the autumn of 2004. The commitment to holding elections was a step towards creating more democratic local institutions; however, the PA had not responded to calls by the international community to reform its electoral institutional framework to meet minimal international standards. In the areas of finance and public administration, reform had proceeded well.

Regarding security reform, President Arafat had lent only nominal support to an Egyptian plan to reform the Palestinian security services, consistent with the road map, with support of the international community. Those efforts were necessary to end the emerging chaos in Palestinian areas, to restore law and order and, most importantly, to re-establish the PA as a credible partner for the international community. The Quartet as well as the Arab peace partners had been active in trying to bring about the necessary reforms. The Palestinian Prime Minister needed to be empowered to enable him and the cabinet to make the necessary changes, but that had not happened. Mr. Arafat remained confined to his headquarters in Ramallah in difficult conditions, under de facto house arrest. However, that was not an excuse for passivity and inaction. There was currently no sign of constructive movement. Despite a well-intentioned Prime Minister, the paralysis of the PA was evident and the deterioration of law and order in Palestinian areas was worsening. Clashes and showdowns between branches of Palestinian security forces were common in the Gaza Strip, where the PA’s legal authority was receding fast in the face of the mounting power of arms, money and intimidation. Lawlessness and gang rule were becoming common in Nablus, while the perceived PA abdication of responsibility had led many Rafah residents to take matters into their own hands, with some of them establishing a private checkpoint, preventing PA officials from crossing to Egypt or from entering Rafah. Jericho was becoming the only Palestinian city with a functioning police. That collapse of authority could not be attributed only to the Israeli incursions and operations inside.
Palestinian towns; the PA was in deep distress and in real danger of collapse.

Israel’s lack of compliance on the issue of settlements was equally frustrating. Territory lay at the heart of the conflict. The drafters of the road map were careful to require from Israel an immediate dismantling of all outposts erected since March 2001, in order to send a clear and positive message to the Palestinians that a paradigm shift was taking place. A full and comprehensive freeze on settlement activities was to have been achieved as the security situation improved, but that had not been the case.

Emergency special session

In accordance with General Assembly decision ES-10/22 [YUN 2003, p. 481] and at the request of Jordan [A/ES-10/274] in its capacity as Chairman of the Arab Group and on behalf of the League of Arab States (LAS), as well as at the request of Malaysia, on behalf of the Chairman of the Coordinating Bureau of the Non-Aligned Movement [A/ES-10/275], the tenth emergency special session of the Assembly resumed on 16 July to discuss “illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory”. In particular, the Assembly discussed the 9 July ICJ advisory opinion on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem (see below). The session was first convened in April 1997 [YUN 1997, p. 394] and resumed in July and November of that year, as well as in March 1998 [YUN 1998, p. 425], February 1999 [YUN 1999, p. 402], October 2000 [YUN 2000, p. 421], December 2001 [YUN 2001, p. 441], May 2002 [YUN 2002, p. 428] and in August of that year [ibid., p. 435], September 2003 [YUN 2003, p. 472] and resumed in October [ibid., p. 476] and December of that year [ibid., p. 479].

ICJ advisory opinion

On 9 July, at the request of the General Assembly in resolution ES-10/14 [YUN 2003, p. 480], ICJ rendered its advisory opinion (see p. 1272) on the legal consequences arising from the construction by Israel of the separation wall in the Occupied Palestinian Territory [A/ES-10/273 & Corr.1]. The Court found that the route of the wall in the occupied territory, including in and around East Jerusalem, was contrary to international law and that Israel was under an obligation to terminate the building of the wall, to dismantle parts already built and to make reparations for all damage caused to Palestinian property. It also found that States were under an obligation not to recognize the illegal situation and to ensure Israel’s compliance with international law under the Fourth Geneva Convention. The Court affirmed that the Assembly and the Security Council should consider further action.

The Assembly reconvened the emergency special session to consider the issue.

GENERAL ASSEMBLY ACTION

On 20 July [meeting 27], the General Assembly adopted resolution ES-10/15 [draft: A/ES-10/L.18/Rev.1] by recorded vote (150-6-10) [agenda item 5].

Advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem

The General Assembly,
Guided by the principles enshrined in the Charter of the United Nations,
Considering that the promotion of respect for the obligations arising from the Charter and other instruments and rules of international law is among the basic purposes and principles of the United Nations,
Recalling its resolution 2903(XXV) of 24 October 1970, on the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,
Reaffirming the illegality of any territorial acquisition resulting from the threat or use of force,
Recalling the Regulations annexed to the Hague Convention Respecting the Laws and Customs of War on Land of 1899,
Recalling also the Hague Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1907, and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions,
Recalling further the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,
Reaffirming the permanent responsibility of the United Nations towards the question of Palestine until it is resolved in all aspects in a satisfactory manner on the basis of international legitimacy,
Recalling also the resolutions of its tenth emergency special session on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,
Reaffirming the most recent resolution of the fifty-eighth session of the General Assembly on the status of the Occupied Palestinian Territory, including East Jerusalem, resolution 58/292 of 6 May 2004.

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Reaffirming also the right of the Palestinian people to self-determination, including their right to their independent State of Palestine,
Reaffirming further the commitment to the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders,
Condemning all acts of violence, terrorism and destruction,
Calling upon both parties to fulfill their obligations under relevant provisions of the road map, the Palestinian Authority to undertake visible efforts on the ground to arrest, disrupt and restrain individuals and groups conducting and planning violent attacks, and the Government of Israel to take no actions undermining trust, including deportations and attacks on civilians and extrajudicial killings,
Reaffirming that all States have the right and the duty to take actions in conformity with international law and international humanitarian law, including in and around East Jerusalem,
Recalling its resolution ES-10/13 of 21 October 2003, in which it demanded that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem,
Recalling also its resolution ES-10/14 of 8 December 2003, in which it requested the International Court of Justice to urgently render an advisory opinion on the following question:

"What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention, of 1949, and relevant Security Council and General Assembly resolutions?",

Having received with respect the advisory opinion of the Court on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, rendered on 9 July 2004,

Noting in particular that the Court replied to the question put forth by the General Assembly in resolution ES-10/14 as follows:

"A. The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law;

B. Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion;

C. Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem;

D. All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention;

E. The United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated regime, taking due account of the present Advisory Opinion.",

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

Noting also the statement made by the Court that "Israel and Palestine are under an obligation scrupulously to observe the rules of international humanitarian law, one of the paramount purposes of which is to protect civilian life", and that "in the Court’s view, this tragic situation can be brought to an end only through implementation in good faith of all relevant Security Council resolutions, in particular resolutions 242 (1967) and 338 (1973)",

Considering that respect for the Court and its functions is essential to the rule of law and reason in international affairs,

1. Acknowledges the advisory opinion of the International Court of Justice of 9 July 2004 on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem;
2. Demands that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion;
3. Calls upon all States Members of the United Nations to comply with their legal obligations as mentioned in the advisory opinion;
4. Requests the Secretary-General to establish a register of damage caused to all natural or legal persons concerned in connection with paragraphs 132 and 133 of the advisory opinion;
5. Decides to reconvene to assess the implementation of the present resolution, with the aim of ending the illegal situation resulting from the construction of the wall and its associated regime in the Occupied Palestinian Territory, including East Jerusalem;
6. Calls upon both the Government of Israel and the Palestinian Authority to immediately implement their obligations under the road map, in cooperation with the Quartet, as endorsed by Security Council resolution 1515 (2003), to achieve the vision of two States living side by side in peace and security, and emphasizes that both Israel and the Palestinian Authority are under an obligation scrupulously to observe the rules of international humanitarian law;
7. Calls upon all States parties to the Fourth Geneva Convention to ensure respect by Israel for the Conven-
tion, and invites Switzerland, in its capacity as the depository of the Geneva Conventions, to conduct consultations and to report to the General Assembly on the matter, including with regard to the possibility of resuming the Conference of High Contracting Parties to the Fourth Geneva Convention;

8. Decides to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.

RECORDED VOTE ON RESOLUTION ES-10/15:

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan,Tuvalu, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Australia, Israel, Marshall Islands, Micronesia, Palau, United States.

Ate abstaining: Cameroon, Canada, El Salvador, Nauru, Papua New Guinea, Solomon Islands, Tonga, Uganda, Uruguay, Vanuatu.

The Permanent Observer of Palestine, speaking before the vote [meeting 24], said that the ICJ advisory opinion was a pivotal development that brought international law back to the forefront of the debate on the question of Palestine and the Israeli-Palestinian conflict. While the outcome might be considered a victory for the Palestinian people, it was also a victory for all the peoples of the region and for the region’s future. The Court’s position on the issue, on the basis of international law, was conclusive, and there could be no further question as to the illegal status of the wall or the settlements that Israel was building in the Occupied Palestinian Territory. ICJ’s conclusions on the wall were definitive and non-negotiable. The aim of the draft resolution before the Assembly was twofold: acceptance of the advisory opinion and a call for compliance by Israel and by Member States with international legal obligations as set out in the advisory opinion. The PA expected States to undertake actions consistent with their legal obligations as determined by ICJ, including action against settlement activities and sanctions against companies involved in the wall construction. Israel had already declared its rejection of the Court’s authority and the advisory opinion as well as its intention to continue constructing the wall.

Israel said that, together with a large number of Member States, it did not support the request for the advisory opinion, which it found inappropriate, a misuse of the advisory opinion procedure and damaging to the road map. Israel was dismayed that the opinion did not seriously address the terrorism facing Israeli civilians or the Palestinian leadership’s refusal to bring that terrorism to an end. Those crimes were the very reason that the fence was being erected, and Israel found that omission legally inexplicable and morally inexcusable. Israel recognized that the security fence raised complex legal and humanitarian issues. Accordingly, the fence and its route were subject to a process of constant review and change, including the right of those affected, Palestinian or Israeli, to petition Israel’s Supreme Court. On 30 June, in response to such a petition, that Court recognized Israel’s authority to erect a fence as a defensive measure against terrorist attacks, though it stressed that the fence had to be balanced against the rights of those affected. The Israeli Court laid out a detailed proportionality test by which such a balance could be reached, and it found that sections of the fence required re-routing. The Court’s ruling was petitioned by Palestinians and Israelis who wanted practical solutions on the ground; the Court sought to find a balance between competing rights; it had before it specific evidence on all aspects of routing, the security rationale and associated humanitarian effects; and its ruling was binding upon Israel. ICJ, on the other hand, was asked only about the rights of one side; it was supplied only with partial and often misleading information; it was asked a question as part of a political and manipulative campaign; and its opinion was advisory only. Following the judgement of the Israeli Court, the Government announced that it would not only re-route those parts of the fence that were the subject of the petition, but would re-examine the entire routing so as to ensure that it complied with international law. That re-examination had already led to a decision to re-route large portions of the fence. ICJ’s opinion did not rule out the authority to erect a security fence; indeed, it recognized that military exigencies and security imperatives could justify such action, but it failed to properly examine those exigencies.

The United States [meeting 25] said that the draft resolution and ICJ’s opinion that the text endorsed pointed away from a political solution to the Israeli-Palestinian crisis that would embody the vision of two States living side by side in peace and security. Moreover, the draft resolution was
one-sided, and it adopted a confusing interpretation of Article 51 of the UN Charter on the right to self-defence.

The Assembly continued its discussion on the agenda item on 19 and 20 July [meetings 26 & 27]. Speaking after the vote, the Netherlands, on behalf of the EU and other Member States, said the ICJ advisory opinion largely coincided with the EU’s position on the legality of the barrier built by Israel on the Palestinian side of the Green Line (the de facto border between Israel and Palestine). The EU expressed its opposition to the route of the barrier.

**Further developments**

**Communication (6 August).** On 6 August [A/ES-10/276-S/2004/630], the Permanent Observer of Palestine said that Israel continued to kill and injure Palestinian civilians and to destroy property in the occupied territories. For more than a month, Israeli forces had laid siege to the area of Beit Hanoun in Gaza, repeatedly carrying out attacks in the area and causing destruction to private and public property. Israel also continued to construct the wall and to build illegal settlements.

**Security Council consideration (11 August).** The Security Council, at a meeting on 11 August [meeting 5019], heard a statement by the USG for Political Affairs, Mr. Prendergast, who said that there had been no tangible progress towards resuming the peace process since the 13 July briefing (see p. 464), and violence continued to claim innocent lives. Neither side took adequate steps to protect civilians, and both were in breach of their international legal obligations. Palestinian civilians continued to fall victim in Israeli military operations. The scale of destruction of Palestinian property by the Israeli military raised concerns about collective punishment. For its part, the PA had obligations under agreements reached with Israel, under international humanitarian law and in accordance with its commitments under the road map to protect Israeli civilians from attacks emanating from territories in its control. It failed to live up to those obligations, and Israeli civilians continued to suffer attacks from Palestinians, most recently in the form of Qassam rockets. Over the past month, 54 Palestinians had been killed and 400 Palestinians and 23 Israelis injured.

A new pattern had emerged: Palestinian militants launched Qassam rockets into Israel, followed by Israeli helicopter missile strikes into the Gaza Strip and ever-deeper incursions into areas adjacent to Israel. The northern Gaza Strip was the focus of a large-scale Israeli operation—Operation Forward Shield—around the city of Beit Hanoun, begun on 29 June in the wake of a Qassam attack on Sderot and continued in many areas of Beit Hanoun and beyond, towards the Jabalya refugee camp. During the reporting period, more than 60 rockets were launched from Beit Hanoun at Israeli communities near the Gaza Strip, causing injury and property damage. Israel continued to carry out extrajudicial killings, as well as search and arrest campaigns throughout the West Bank and the Gaza Strip.

Progress on the implementation of Palestinian reform continued to be slow and mostly cosmetic. On 17 July, Prime Minister Qurei submitted his resignation, citing the state of unprecedented chaos. President Arafat announced a series of security measures to prevent further deterioration, including the appointment of the chief of military intelligence as head of national security forces and the appointment of a new police chief in Gaza. However, those measures led to further unrest as thousands took to the streets in Gaza City in protest. The next day, demonstrations involved clashes among various factions of Fatah.

After that attack, manifestations of unrest, popular discontent and chaos increased. Finally, political mediation, notably by a group of Palestinian Legislative Council members, led to an agreement by which President Arafat agreed to grant Prime Minister Qurei full authority over the security agencies, and to abide by the Basic Law as far as the powers of the Prime Minister were concerned. On 27 July, Mr. Qurei retracted his resignation. However, despite those developments, ultimate authority and control over all PA security agencies remained with the National Security Council, headed by President Arafat.

Israel also failed to implement its core commitments under the road map. Settlement expansion and lack of action on removing the outposts erected since 2001 severely undermined Palestinian trust in Israel’s intentions and contributed to strengthening hardliners among Palestinians. Despite repeated promises by the Israeli Government, settlement activities continued. Support for Prime Minister Sharon’s initiative to withdraw the Israeli armed forces from Gaza and parts of the West Bank and to evacuate all settlements in the Gaza Strip and four settlements in the northern West Bank was gaining momentum within Israel. Despite vocal opposition from segments of the settler community, polls showed that 60 per cent of Israelis supported the disengagement initiative.

**Communications (12 August–14 September).** In communications dated 12 and 31 August [A/58/870-S/2004/647, A/58/881-S/2004/702], Israel detailed Palestinian attacks against Israelis. On 11 August, Palestinian terrorists detonated a bomb...
at a checkpoint in Jerusalem, wounding six Israeli soldiers and 12 Palestinians and killing two Palestinian bystanders. On 31 August, two Palestinian suicide bombers killed 16 Israelis and wounded over 100 more in the city of Be’er Sheva.

In communications dated between 19 August and 14 September [A/ES-10/277-S/2004/668, A/ES-


S/2004/719, A/ES-10/281-S/2004/729], the Permanent Observer of Palestine said that Israel continued to carry out illegal acts of violence and practices against the Palestinian people. On 15 August, more than 2,000 Palestinian prisoners and detainees being held in Israeli jails started a series of hunger strikes to protest the violation of their rights and their living conditions. On 7 September, IDF carried out a missile attack in the neighbourhood of Shijata in Gaza City, killing 15 Palestinians and wounding at least 40 others. Between 7 and 14 September, IDF killed at least 16 Palestinians and wounded dozens of others in the occupied territories.

Security Council consideration (17 September). The Security Council, on 17 September [meeting 5039], heard a briefing by the USG for Political Affairs. He said that it had been a bad month in the Middle East, with a marked increase in casualties on both sides and a resumption of suicide bombings. Nor was there good news to report in terms of implementation of the road map. Prime Minister Sharon had said that Israel was not following the road map and that it might stay in the West Bank long after any withdrawal from Gaza. Meanwhile, new decisions were announced on settlement activity and Palestinian reform remained stalled.

In terms of specific events, the previous month was marked by the first major suicide bombing since March and a number of Israeli military operations, incursions and acts of destruction. On 31 August, 16 Israelis were killed and more than 100 injured in a double suicide bombing on two buses in the Israeli city of Be’er Sheva. Responsibility for that terror attack was claimed by Hamas, which stated that it was an act of revenge for Israel’s assassinations of its spiritual leader and successor in the spring. In all, 80 Palestinians and 17 Israelis were killed in five weeks; 630 Palestinians and 133 Israelis were injured. Violence in and around Gaza continued. On several occasions, Palestinian militants launched Qassam rockets and mortars against Israeli settlements in Gaza and against the Israeli town of Sderot, causing damage and injury. On 6 September, Israeli helicopter gunships, tanks and warplanes attacked a Hamas training site in Gaza City, killing 14 Palestinians—mostly militants—and injuring 30 others, leading to further retaliatory action.

The Israeli policy of confiscating and/or leveling Palestinian land in the context of military operations and for the construction of the wall also continued. Israel was revising long sections of the barrier route in accordance with a ruling of the Israeli Supreme Court, which also instructed the Government to respond to the advisory opinion rendered by ICJ on 9 July. Meanwhile, however, Israel continued to construct the barrier east of Jerusalem, and there were reports that construction would be speeded up south of Jerusalem. The UN Secretariat was working on terms of reference for establishing a registry of damages, as requested by the General Assembly. On 31 August, Prime Minister Sharon underlined his commitment to implement the withdrawal of all armed forces from Gaza and parts of the West Bank and to evacuate all settlements in the Gaza Strip, as well as four settlements in the northern West Bank, and outlined a timetable for the legislative process arising from the plan, which had already begun. On 14 September, the Israeli security cabinet approved the legislative package for the implementation of the disengagement plan, including principles for the evacuation of settlements and compensation for settlement residents. The Government also approved advance compensation for those settlers relocating voluntarily.

For its part, the PA failed to make progress on its obligation to end the violence and combat terror and to institute meaningful reform measures, despite President Arafat’s statements on commitment to reform. On the positive side, the voter registration process began on 4 September under the auspices of the Central Elections Commission.

Quartet meeting (22 September) The Quartet, meeting informally in New York on 22 September, issued a statement [SG/2091] in which it reaffirmed its 4 May communiqué (see p. 460). It noted that the situation remained difficult and no significant progress was made on the road map. The Quartet said that genuine action was needed so that an empowered Palestinian Prime Minister and cabinet could fulfill the PA’s obligations under the road map, including an end to violence and terrorism and the dismantlement of terrorist capabilities and infrastructure. It also noted the need for the PA to prepare for assumption of control over Gaza, in particular by reforming its security forces and re-establishing the rule of law. Welcoming steps towards Palestinian municipal elections, it urged Israel and the PA to cooperate towards that goal. It also urged
Israel to dismantle settlement outposts erected since March 2001 and to impose a settlement freeze. In addition, Israel should ease the humanitarian and economic plight of the Palestinian people. Taking note of the 9 July ICJ advisory opinion on the Israeli separation barrier, the Quartet urged positive action by Israel with respect to the barrier’s route. It encouraged Prime Minister Sharon’s intention to withdraw from all Gaza settlements and parts of the West Bank and for the two parties to coordinate implementation of the withdrawal.

Escalation of violence

Communications (23 September–4 October)

On 23 September [A/59/380-S/2004/757], Israel said that on the previous day a Palestinian suicide bomber killed two Israeli security officers and wounded 30 civilians in northern Jerusalem. On 23 September, Palestinian gunmen killed three military personnel in Gaza.

In communications dated between 27 September and 4 October [A/ES-10/282-S/2004/761, A/ES-10/283-S/2004/766, A/ES-10/285-S/2004/790, A/ES-10/284-S/2004/782], the Permanent Observer of Palestine said that on 26 September, Israel killed Izzedine Al-Sheikh Khalil, a leader of Hamas, when a car bomb was detonated in Damascus, Syrian Arab Republic. On 29 and 30 September, IDF killed at least 33 Palestinians and wounded more than 100 others in Gaza. On 1 October, 8 more Palestinian civilians were killed and 17 others wounded by Israeli forces in continued military attacks at the Jabaliya refugee camp.

On 1 October [A/59/425-S/2004/808], Turkey transmitted to the Secretary-General the final communiqué of the annual coordination meeting of Foreign Ministers of the States members of the Organization of the Islamic Conference (New York, 28 September). The meeting took note of Israel’s defiant response to the ICJ advisory opinion and called for further measures to be taken by the United Nations, in accordance with paragraph 5 of resolution ES-10/15 (see p. 465). It also called on UN Member States to prevent any products of the Israeli settlements from entering their markets, to decline entry to Israeli settlers and to impose sanctions against companies and entities involved in the construction of the wall in the Occupied Palestinian Territory.

On 4 October [S/2004/795], the Permanent Observer of LAS transmitted to the Security Council President the text of a resolution on the deterioration of the situation in the Palestinian territories, adopted by the extraordinary session of the LAS Council (Cairo, Egypt, 3 October). The resolution, among other things, called on the Quartet to take a decisive stand to stop the Israeli aggression against the Palestinian people and requested the Secretary-General to report on the crimes and practices of Israel in the occupied territories.

Security Council consideration (4-5 October)

At the request of Tunisia on behalf of the Arab Group and LAS [S/2004/779], the Security Council, on 4 and 5 October [meetings 5049 & 5051], considered the situation in the Middle East, including the Palestinian question.

Speaking on 4 October, the Permanent Observer of Palestine said that since 29 September, IDF had killed 83 Palestinians, including 20 children, injured hundreds and caused widespread destruction, including the demolition of homes and the destruction of farmland, economic installations and infrastructure such as roads, water and electricity networks. The bulk of those losses occurred when IDF swept through the northern part of the Gaza Strip, including the Jabaliya refugee camp, rushing more than 2,000 soldiers, 100 tanks and 100 armoured vehicles and bulldozers to the area, in addition to helicopter gunships. Hundreds of Palestinians were without shelter as a result. Tens of thousands were without water or electricity and were suffering from severe shortages of food and medicine. Israel claimed that it swept through the northern part of the Gaza Strip and committed those acts in response to the launching of rockets from that area on an Israeli town that resulted in the killing of two Israeli children. There was absolutely no justification, under any circumstances, for the Israelis to carry out widespread killing and destruction. Perhaps what was taking place in Gaza was related in some way to the so-called unilateral disengagement plan, which was aimed at dismantling the settlements and military installations in the Gaza Strip, as well as four settlement outposts in the northern West Bank, while laying siege to the Gaza Strip and maintaining control over its land, airspace and water. The plan also aimed at continuing the construction of the separation wall and the building of settlements in the West Bank. In brief, it aimed at a long-term movement to surround the Gaza Strip while maintaining the colonization of the West Bank.

Israel said that on 29 September two Israeli children were murdered by Qassam rockets fired at the Israeli town of Sderot. The Palestinian terrorist organization Hamas claimed responsibility for that attack, which was only the latest of such incidents. Palestinian terror organizations had been producing Qassam rockets in workshops dispersed throughout the Gaza Strip. The case with which those rockets were hidden, transported and launched made them a weapon of choice. Those rocket attacks from Gaza did not
target only Israeli civilians; Palestinian lives were also put at risk by terrorists’ use of human shields. Virtually all terrorist fire directed from Gaza against Israeli targets emanated from crowds or residential buildings, and explosive charges and mines were planted within the civilian infrastructure. Israel was compelled to act in accordance with its right and duty of self-defence in an effort to halt the firing of rockets and the murder of its citizens. While the latest operation was broader than its predecessors, it was relatively limited, with the aim of refraining from deeply penetrating densely populated areas.

On 5 October, a vote was taken on a draft resolution [S/2004/783] submitted by Algeria, Pakistan and Tunisia, by which the Security Council would have demanded the immediate cessation of all military operations in northern Gaza and the withdrawal of the Israeli occupying forces from that area. The vote was 11 to 1, with 3 abstentions. The draft resolution was not adopted owing to the negative vote of a permanent member of the Council (United States). Speaking after the vote, the United Kingdom said that the draft resolution wrongly gave the impression that fault lay only with the Israeli side. The responsibility for taking steps to end the violence lay with both sides; for that reason, the United Kingdom abstained. France said it voted in favour of the draft resolution for it called for an immediate cessation of Israeli military operations in the north of Gaza and included a condemnation of acts of terror and the need for the speedy implementation of the road map. Those two factors were essential and ensured that the text was balanced.


Security Council consideration (22 October). On 22 October [meeting 5060], the Council heard a briefing by the USG for Political Affairs, Mr. Prendergast, who said a major Israeli military operation in the Gaza Strip resulted in the deaths of large numbers of Palestinians. Since the last monthly briefing (see p. 469), 206 Palestinians and 13 Israelis were killed and 1,035 Palestinians and 62 Israelis were injured. Violence in and around the Gaza Strip sharply escalated during the reporting period and the Occupied Palestinian Territory drifted towards chaos. On 29 September, Qassam rockets fired from Gaza at the Israeli town of Sderot killed two children. The next day, Israel launched a major military operation in northern Gaza. A large contingent of Israeli troops entered Beit Lahiya, Beit Hanoun and the Jabaliya refugee camp. By 15 October, when Israeli troops started redeploying, 135 Palestinians had been killed in Gaza, 14 of them in the northern part of the Strip. UN agencies’ operations were severely affected by Israeli restrictions on movement. During the reporting period, UNRWA was forced to suspend many of its normal operations, including the resumption of emergency food aid in the Gaza Strip. With few exceptions, since 21 September, Israeli forces had denied UN personnel unimpeded access into Gaza, hindering the delivery of humanitarian aid. Israel continued its policies of demolishing houses and of confiscating and/or levelling Palestinian land for the construction of the barrier, which continued, especially around Jerusalem. On 11 October, Prime Minister Sharon stated that Israel adhered to its support of the road map, which he said was the only plan to enable progress towards a viable political agreement. His withdrawal initiative was scheduled to enter the legislative process in the Knesset (parliament) on 25 October.


On 2 November [A/59/484-S/2004/880], Israel said that the day before a Palestinian suicide bomber killed three Israeli civilians and wounded 30 others in Tel Aviv.

Further developments in the peace process

Security Council consideration (15 November and 16 December). The Security Council, on 15 November [meeting 5077], heard a briefing by the Special Coordinator for the Middle East Peace Process, Mr. Roed-Larsen. He said that on 11 November, President Arafat died in a hospital in Paris. A funeral ceremony was held for him in Cairo on 12 November, before he was buried in Ramallah. The Palestinian leadership had taken steps towards a smooth transition of power and, by and large, prevented unrest in the areas under PA control.

The Middle East had reached a critical juncture even before the death of President Arafat. In
late October, the Israeli Knesset approved Prime Minister Sharon’s initiative to withdraw from the Gaza Strip and parts of the West Bank. That historic decision paved the way for the evacuation of Israeli settlements in the Occupied Palestinian Territory for the first time since the occupation began in 1967. The recent violence followed a pattern that had emerged since September 2000 and especially in 2004, with Palestinian extremists and militants organizing and carrying out suicide bombings and other acts of terror against Israeli civilians, as they did once again on 1 November, killing three people in Tel Aviv and wounding many more. Palestinian militants also fired Qassam rockets and mortar shells against cities inside Israel and against Israeli targets in the Occupied Palestinian Territory. Israel maintained the illegal practice of targeted assassinations, including in densely populated areas where there was a high risk of so-called collateral damage. Israel’s military operations and incursions in the occupied territories raised the spectre of disproportionate use of force and collective punishment through the destruction of civilian property and infrastructure.

Briefing the Council on 16 December [meeting 502], the USG for Political Affairs, Mr. Prendergast, said that there had been a marked number of positive developments since the 15 November briefing, which afforded a window of opportunity to revitalize the peace process. Significant strides were made towards ensuring that the Palestinian presidential elections scheduled for 9 January 2005 would be conducted in a free and fair manner, in accordance with international standards, and monitored by more than 400 international electoral observers, with UN technical assistance provided to the Central Elections Commission. Registration for Palestinian voters reopened on 24 November and continued until 1 December. Campaigning would officially begin on 26 December and last until 7 January 2005.

Security reform and the establishment of full control by the PA over the Palestinian areas continued to be a major challenge facing the Palestinian leadership. The Israeli Government continued to enable a positive transition period following the death of President Arafat. Security cooperation between the parties resumed. Israel scaled back military activity in areas under PA control, and Prime Minister Sharon announced his willingness to cease all military incursions into Palestinian areas if calm prevailed. In recognition of a long-standing Quartet condition, Mr. Sharon said that Israel would want to coordinate security arrangements with the PA for the planned withdrawal of Israeli troops and settlers from the Gaza Strip and parts of the West Bank and for the transfer of the evacuated areas to the Palestinians. In addition, Mr. Sharon publicly acknowledged that incitement in the Palestinian media had dropped noticeably, in accordance with Palestinian obligations under the road map. The overall level of violence had dropped during the period under review, but casualty figures were still too high; 52 Palestinians and seven Israelis were killed, and 172 Palestinians and 29 Israelis were injured. While there was a reduction in the number of incidents, Palestinian militants continued to fire mortar shells and Qassam rockets against Israeli settlements and targets inside Israel. Israel continued to demolish houses and restricted movement for the Palestinians, although in an eased form. Israel’s construction of the barrier in the West Bank also continued, with worrisome consequences for Palestinians, despite Israel’s revision of the barrier’s route, closer to the Green Line.

Meanwhile, the Quartet principals, at a meeting on 23 November in Sharm el-Sheikh, Egypt, discussed the transition in the PA and agreed that the immediate priorities were to provide technical support for the elections and to help ensure the fiscal stability of the Palestinian governing body.

In a later brief to the Council [meeting 511], Mr. Prendergast said that the first round of elections to Palestinian municipal councils was held in 26 communities on 23 December, with some 150,000 eligible voters choosing from among more than 800 candidates. Those elections—the first at the municipal level since 1967—witnessed a voter turnout of up to 81 per cent. Women won 51 out of the total of 297 seats. The next round of local elections was due to take place in 11 communities in Gaza on 27 January 2005.

Communications (29-30 December). In a 29 December letter [A/ES-10/291-S/2004/1028], the Permanent Observer of Palestine said that, as 2004 came to a close, the situation in the Occupied Palestinian Territory continued to be critical. IDF killed nearly 1,000 Palestinians during the year and injured thousands more, while causing massive destruction of homes, properties, land and infrastructure, particularly in and around the refugee camps of the Gaza Strip. Even after the death of President Arafat, Israel continued to wage its military campaign, inflicting almost daily casualties on the Palestinian civilian population. Since 25 October, at least 113 Palestinians were killed as a result of the ongoing violence and attacks. In addition, Israel continued to construct the wall and to expand its settlements. Despite the assurances given by Israel that it would not hinder the election process, it continued to restrict movement, preventing candidates from

Jerusalem

East Jerusalem, where most of the city’s Arab inhabitants lived, remained one of the most sensitive issues in the Middle East peace process and a focal point of concern for the United Nations in 2004.

Committee on Palestinian Rights. In its annual report [A/59/35], the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian Rights) said that in and around East Jerusalem settlement activity proceeded at a rate unmatched since 1992. Settlement activity connecting East Jerusalem and the “Ma’ale Adumim” settlement could result in splitting the West Bank into two separate Palestinian cantons, having serious implications for the territorial contiguity of the West Bank. In addition, the construction by Israel of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, continued to cause great hardship to the Palestinians.

Transfer of diplomatic missions

Report of Secretary-General. On 12 October [A/59/451], the Secretary-General reported that five Member States, including Israel, had replied to his request for information on steps taken or envisaged to implement General Assembly resolution 58/22 [YUN 2003, p. 484], which addressed the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478(1980) [YUN 1980, p. 426]. Israel viewed those resolutions as unbalanced and said that they threatened to prejudice the outcome of the Middle East peace process. The Syrian Arab Republic said Council resolution 478(1980) affirmed that Israel’s decision to impose its laws, jurisdiction and administration on Jerusalem was illegal and consequently null and void and lacking in validity. The respondents made no mention of specific steps taken to implement resolution 58/22.

GENERAL ASSEMBLY ACTION

On 1 December [meeting 64], the General Assembly adopted resolution 59/32 [draft: A/59/L.39] by recorded vote (153-7-15) [agenda item 56].

Jerusalem

The General Assembly,

Recalling its resolution 181(II) of 29 November 1947, in particular its provisions regarding the City of Jerusalem,

Recalling also its resolution 36/120 E of 10 December 1991 and all subsequent resolutions, including resolution 56/31 of 3 December 2001, in which it, inter alia, determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called “Basic Law” on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling further Security Council resolutions relevant to Jerusalem, including resolution 478(1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the “Basic Law” and called upon those States which had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and recalling resolution ES-10/15 of 20 July 2004,

Expressing its grave concern at any action taken by any body, governmental or non-governmental, in violation of the above-mentioned resolutions,

Reaffirming that the international community, through the United Nations, has a legitimate interest in the question of the City of Jerusalem and the protection of the unique spiritual, religious and cultural dimensions of the city, as foreseen in relevant United Nations resolutions on this matter,

Having considered the report of the Secretary-General,

1. Resolves its determination that any actions taken by Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem are illegal and therefore null and void and have no validity whatsoever;

2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478(1980), and calls once more upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

3. Stresses that a comprehensive, just and lasting solution to the question of the City of Jerusalem should take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by the people of all religions and nationalities;

4. Requests the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 59/32:

In favour: Afghanistan, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Le-
ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July [meeting 50], the Economic and Social Council adopted resolution 2004/54 [draft: E/2004/1.25, orally amended] by recorded vote (31-1-1) [agenda item 11].

Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and the Arab population in the occupied Syrian Golan

The Economic and Social Council, Recalling General Assembly resolution 58/229 of 23 December 2003,

Also recalling its resolution 2003/59 of 24 July 2003,


Reaffirming the 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 other Arab territories occupied by Israel since 1967,


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

Convinced that the Israeli occupation has gravely impeded the efforts to achieve sustainable development and a sound economic environment for the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan,

Greatly concerned about the grave impact on the economic and social conditions of the Palestinian people caused by the construction of the wall by Israel inside the Occupied Palestinian Territory and the resulting violation of their economic and social rights, including the rights to work, to health, to education and to an adequate standard of living,
Convinced of the inalienable right of the Palestinian people to self-determination and the right to national independence and territorial integrity free from foreign occupation; and

Noting that the recent tragic and violent events since September 2000 have led to many deaths and injuries, including all acts of terror, provocation, incitement and settlement expansion within the territories occupied by Israel since 1967, including East Jerusalem, in violation of international law; and

Acknowledging the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including East Jerusalem, in infrastructure, agricultural land and orchards in the Occupied Palestinian Territory, including East Jerusalem, during the recent period, including, and in particular, as a result of the construction of the wall,

Expressing grave concern about the continuation of the recent tragic and violent events since September 2000 that have led to many deaths and injuries,

Aware of the important work being done by the United Nations and the specialized agencies in support of the economic and social development of the Palestinian people, as well as the assistance being provided in the humanitarian field,

Conscious of the urgent need for the reconstruction and development of the economic and social infrastructure of the Occupied Palestinian Territory, including East Jerusalem, as well as the urgent need to address the dire humanitarian crisis facing the Palestinian people,

Calling upon both parties to fulfill their obligations under the road map in cooperation with the Quartet,

1. Stresses the need to preserve the national unity and the territorial integrity of the Occupied Palestinian Territory, including East Jerusalem, and to guarantee the freedom of movement of persons and goods in the Territory, including the removal of restrictions on going into and from East Jerusalem, and the freedom of movement to and from the outside world;
2. Also stresses the vital importance of the construction and operation of the seaport in Gaza and safe passage for the economic and social development of the Palestinian people;
3. Demands the complete cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction;
4. Calls upon Israel, the occupying Power, to end its occupation of Palestinian cities, towns and other populated centres, to end the imposition of all forms of closure and curfew and to cease its destruction of homes and properties, economic institutions and agricultural fields;
5. Reaffirms the inalienable right of the Palestinian people and the Arab population of the occupied Syrian Golan to all their natural and economic resources, and calls upon Israel, the occupying Power, not to exploit, endanger or cause loss or depletion of these resources;
6. Also reaffirms that Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan are illegal and an obstacle to economic and social development;
7. Stresses the importance of the work of the organizations and agencies of the United Nations and of the United Nations Special Coordinator for the Middle East Development and the Palestinian Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority;
8. Urges Member States to encourage private foreign investment in the Occupied Palestinian Territory, including East Jerusalem, in infrastructure, job creation projects and social development in order to alleviate the hardship of the Palestinian people and improve their living conditions;
9. Requests the Secretary-General to submit to the General Assembly at its fifty-ninth session, through the Economic and Social Council, a report on the implementation of the present resolution and to continue to include in the report of the United Nations Special Coordinator an update on the living conditions of the Palestinian people, in collaboration with relevant United Nations agencies;
10. Decides to include the item entitled “Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and the Arab population in the occupied Syrian Golan” in the agenda of its substantive session of 2005.

RECORDED VOTE ON RESOLUTION 2004/54:

In favour: Armenia, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nicaragua, Nigeria, Panama, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sweden, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Zimbabwe.

Against: United States.

Abstaining: Australia.

On the same date (decision 2004/298), the Council took note of the note by the Secretary-General transmitting the report prepared by ESCWA (see p. 474).

GENERAL ASSEMBLY ACTION

On 22 December [meeting 75], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/59/489], adopted resolution 59/251 by recorded vote (156-5-11) [agenda item 91].

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

The General Assembly,

Recalling its resolution 58/229 of 25 December 2003, and taking note of Economic and Social Council resolution 2004/14 of 25 July 2004,

Recalling also its resolution 58/292 of 6 May 2004,

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


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

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

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the Legal
Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and recalling also its resolution ES-10/15 of 20 July 2004,

Expressing its concern at the exploitation by Israel, the occupying Power, of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing its concern also at the extensive destruction by Israel, the occupying Power, of agricultural land and orchards in the Occupied Palestinian Territory during the recent period, including the uprooting of a vast number of olive trees,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, and of the dire economic and social consequences in this regard,

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


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

Taking note of the note by the Secretary-General transmitting the report prepared by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan,

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

2. Calls upon Israel, the occupying Power, not to exploit, damage, cause loss or depletion of or endanger the natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

3. Recognizes the right of the Palestinian people to claim restitution as a result of any exploitation, damage, loss or depletion, or endangerment of their natural resources, and expresses the hope that this issue will be dealt with in the framework of the final status negotiations between the Palestinian and Israeli sides;

4. Requests the Secretary-General to report to it at its sixtieth session on the implementation of the present resolution, and decides to include in the provisional agenda of its sixtieth session the item entitled “Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources”.

RECORDED VOTE ON RESOLUTION 59/251:

In favour: Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, Marshall Islands, Micronesia, Palau, United States.


Other aspects

Special Committee on Israeli Practices. In response to General Assembly resolution 58/96 [YUN 2005, p. 490], the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, in September, reported for the thirty-sixth time to the General Assembly on events and the human rights situation in the territories it considered occupied—the Golan Heights, the West Bank, including East Jerusalem, and the Gaza Strip [A/60/391]. The report reflected the substance of information gathered during the Committee’s mission to Lebanon, Egypt and the Syrian Arab Republic from 25 May to 8 June. In those three countries, the Committee met with 84 witnesses representing associations of Palestinian refugees in Lebanon, Palestinian non-governmental organizations (NGOs) from the occupied territories and Israeli NGOs, as well as individuals from Syria. The report reviewed the human rights situation in the occupied territories and described developments in relation to the human rights situation in the occupied Syrian Golan.

The Committee urged international and national media to give the matter broader coverage in order to make the appalling human rights situation of Palestinians and other Arabs in the occupied territories better known to the world. National public opinion, concerned civil society groups and diplomatic, academic and other circles should take the lead in assembling and dis-
seminating information about the violations of international law and international humanitarian law perpetrated daily in the Occupied Palestinian Territory that were generating destruction of human life, infrastructure, cultivated land and economic wealth. The construction of the wall was causing major changes to the social fabric of Palestinian communities. The Committee was also alarmed at the regional and international dimensions of the Palestinian issue and was convinced that the international community had to act, especially in view of the anticipated opening of the occupied Palestinian territories to international law and international humanitarian law. In addition, the wall violated the prohibition in the Fourth Geneva Convention against the taking of hostages and arbitrary arrest and detention.

Report of Secretary-General. On 9 September [A/59/345], the Secretary-General informed the General Assembly that Israel had not replied to his August request for information on steps taken or envisaged to implement Assembly resolution 58/99 [YUN 2003, p. 489], demanding that Israel, among other things, cease all practices and actions that violated the human rights of the Palestinian people, and condemning all acts of terror, provocation, incitement and destruction, especially the excessive use of force by Israeli forces against Palestinian civilians.

Commission on Human Rights. In a 27 February addendum [E/CN.4/2004/6/Add.1] to his September 2003 report on the human rights situation in the occupied territories [YUN 2003, p. 488], the Special Rapporteur of the Commission on Human Rights, John Dugard (South Africa), stated that the situation was characterized by serious violations of human rights law, and that terrorism was a constant feature of the conflict in the occupied territories and neighbouring Israel. Both Palestinians and Israelis were responsible for inflicting a reign of terror on civilians.

Focusing on the separation wall being constructed by Israel, the Special Rapporteur said that insofar as it was built on Palestinian territory, it could not be justified as a legitimate or proportionate response to terrorism. The wall, which penetrated deep into Palestinian territory, had resulted in the creation of a zone between the Green Line and the wall inside the Occupied Palestinian Territory. Israel designated that area as “closed” to all Palestinians. Palestinians who lived, farmed, worked or went to school within that closed zone required special permits from the Israeli authorities. Both the construction of the wall and the operation of the permit system for the closed zone had caused great hardships to Palestinians and violated norms of human rights law and international humanitarian law. In addition, the construction of the wall had resulted in large-scale destruction of Palestinian property.

Notice of seizure of land had been served in an arbitrary manner and there were no real means for landowners to contest the seizure. The wall had infrequent gates for the purpose of crossing, thus those farmers granted permits to farm their land had difficulty gaining access. The permit system also interfered with education, health care and family life. There was a real prospect that life would become so intolerable for villagers living in the closed zone that they would abandon their homes and migrate to the West Bank. The main beneficiaries of the wall were settlers: 54 settlements and 142,000 settlers (63 per cent of the West Bank settlement population) would find themselves on the Israeli side of the wall, with access to land separated from its Palestinian owners. The wall might have been justified as a security measure to prevent would-be suicide bombers from entering Israel had it followed the course of the Green Line; however, as it was built largely on Palestinian territory, it could not be justified on those grounds. The route of the wall suggested that its main purpose was the annexation, by de facto means, of additional land for Israel. In addition, the wall violated the prohibition on the acquisition of territory by forcible means, and undermined the right to self-determination of the Palestinian people by reducing the size of a future Palestinian State.

In a 12 August interim report [A/59/256], the Special Rapporteur said that since February, IDF had intensified its military incursions into the Gaza Strip, resulting in deaths and a massive and wanton destruction of property. Despite Israel’s announced intention to withdraw from Gaza, in reality it planned to retain ultimate control by controlling its borders, territorial sea and airspace.

The wall that Israel was constructing within the Palestinian territory was held to be contrary to international law by ICJ on 9 July 2004. Israel announced that it would not comply with that advisory opinion, but indicated that it would abide by the ruling of its own High Court in respect of sections of the wall still to be built.

Israel claimed that the purpose of the wall was to secure Israel from terrorist attacks and claimed that such attacks inside Israel had dropped by over 80 per cent as a result of the wall. The Special Rapporteur noted that there was no compelling evidence that suicide bombers could not have been as effectively prevented from entering Israel if the wall had been built along the Green Line or within the Israeli side of that Line. In his view, there were more convincing explanations for the construction of the wall, such as the incorporation of settlers within Israel, the confiscation of Palestinian land and the inducement to...
Palestinians to leave their lands by making life intolerable for them. In deciding on the route of the wall, Israel had seized rich agricultural land and water resources along the Green Line. In the Jerusalem area, the wall was being built around an expanded East Jerusalem to incorporate some 247,000 settlers in 12 settlements and some 249,000 Palestinians within the wall. The seizure of land in East Jerusalem would have serious implications for Palestinians, for, among other things, it would prohibit over 100,000 Palestinians in West Bank neighbourhoods who were dependent upon the facilities of East Jerusalem, including hospitals, universities, schools, employment and markets for agricultural goods, from entering East Jerusalem.

Freedom of movement was severely curtailed in the West Bank and Gaza. The inhabitants of Gaza were effectively imprisoned by a combination of wall, fence and sea. Within Gaza freedom of movement was severely restricted by road-blocks which effectively divided the small territory. The inhabitants of the West Bank were subjected to a system of curfews and checkpoints that denied freedom of movement. Palestinians living in the West Bank needed permits to travel from one city to another and permits were arbitrarily withheld and seldom granted for private vehicles.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 71], the General Assembly, on the recommendation of the Fourth (Special Political and Decolonization) Committee [A/59/471], adopted resolution 59/124 by recorded vote (149-7-22) [agenda item 76].

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

The General Assembly,

Recalling its relevant resolutions, including resolution 58/292 of 6 May 2004, as well as those adopted at its tenth emergency special session,

Recalling also the relevant resolutions of the Commission on Human Rights,

Bearing in mind the relevant resolutions of the Security Council,

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

Taking note of the report of the Human Rights Inquiry Commission established by the Commission on Human Rights and the recent reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,

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

Noting in particular the Court’s reply, including that the construction of the wall 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,

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

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

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

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

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention under articles 46, 47 and 48 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

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

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

Concerned about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force, the use of collective punishment, the reoccupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of the wall inside the Occupied Palestinian Territory in departure from the Armistice Line of 1949, the destruction of property and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned about the military actions that have been carried out since 28 September 2000 and that have led to thousands of deaths among Palestinian civilians, including hundreds of children, and tens of thousands of injuries,

Expressing deep concern about the extensive destruction caused by the Israeli occupying forces, including of religious, cultural and historical sites, of vital infrastructure and institutions of the Palestinian Authority, and of agricultural land throughout Palestinian cities, towns, villages and refugee camps,

Expressing deep concern also about the Israeli policy of closure and the severe restrictions, including curfews, that continue to be imposed on the movement of per-
sons and goods, including medical and humanitarian personnel and goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and the consequence negative impact on the socio-economic situation of the Palestinian people, which remains that of a humanitarian crisis,

Expressing concern that thousands of Palestinians continue to be held in Israeli prisons or detention centres under harsh conditions that impair their well-being, and also expressing concern about the ill-treatment, provocation, incitement and destruction, especially against Palestinian civilians, resulting in extensive loss of life, vast numbers of injuries and massive destruction of homes, properties, agricultural lands and vital infrastructure;

4. Expresses grave concern at the use of suicide bombing attacks against Israeli civilians, resulting in extensive loss of life and injury;

5. Condemns the events that occurred in the Jenin refugee camp in April 2002, including the loss of life, injury, widespread destruction and displacement inflicted on many of its civilian inhabitants;

6. Condemns also the killing of Palestinian civilians and the widespread demolition of homes by Israel, the occupying Power, in the Rafah refugee camp in May 2004 and in the Jabaliya refugee camp in October 2004;

7. Demands that Israel, the occupying Power, cease all practices and actions which violate the human rights of the Palestinian people, respect human rights law and comply with its obligations;

8. Demands also that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in resolution ES-10/15 and resolution ES-10/17 of 21 October 2003, and that it cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall;

9. Stresses the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

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

RECORDED VOTE ON RESOLUTION 59/124:

In favour: Afghanistan, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Australia, Israel, Marshall Islands, Micronesia, Nauru, Palau, United States.


By resolution 59/179 of 20 December, the Assembly reaffirmed the right of the Palestinian people to self-determination, including the right to their State, and urged all States and UN specialized agencies and organizations to support the Palestinian people in their quest for self-determination (see p. 486).

Work of Special Committee

In a September report [A/39/344], the Secretary-General stated that all necessary facilities were provided to the Special Committee on Israeli Practices, as requested in General Assembly resolution 58/96 [YUN 2003, p. 490]. Arrangements were made for it to meet in March and May in Geneva, and a field mission was carried out to Lebanon, Egypt and the Syrian Arab Republic from 25 May to 8 June. Due to the restrictions imposed on the production of Assembly reports, the Special Committee did not submit periodic reports during the period under review. The UN Department of Public Information continued to provide press coverage of Special Committee
meetings and to disseminate information on its activities.

**GENERAL ASSEMBLY ACTION**

On 10 December [meeting 71], the General Assembly, on the recommendation of the Fourth Committee [A/59/471], adopted resolution 59/121 by recorded vote (84-9-80) [agenda item 76].

**Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

The General Assembly, 

Guided by the purposes and principles set forth in the Charter of the United Nations, 

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

Recalling its relevant resolutions, including resolutions 2443 (XXIII) of 19 December 1968 and 58/96 of 9 December 2003, and the relevant resolutions of the Commission on Human Rights, 

Recalling also the relevant resolutions of the Security Council, 

Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and recalling in this regard General Assembly resolution ES-10/15 of 20 July 2004, 

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

Grievously concerned about the continuation of the tragic events that have taken place since 28 September 2000, including the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in thousands of deaths and injuries, 

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

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993 and the subsequent implementation agreements between the Palestinian and Israeli sides, 

Expressing the hope that the Israeli occupation will be brought to an early end and that therefore the violation of the human rights of the Palestinian people will cease, and recalling in this regard its resolution 58/292 of 6 May 2004, 

1. **Commends** the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality; 
2. **Reiterates its demand** that Israel, the occupying Power, cooperate with the Special Committee in implementing its mandate; 
3. **Deplores** those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period; 
4. **Expresses grave concern** about the continuing crisis situation in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000, as a result of unlawful Israeli practices and measures, and especially condemns the excessive and indiscriminate use of force against the civilian population, including extrajudicial executions, which has resulted in more than 3,400 Palestinian deaths, including those of more than 750 children, and tens of thousands of injuries; 
5. **Requests** the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967; 
6. **Also requests** the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem; 
7. **Further requests** the Special Committee to continue to investigate the treatment of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967; 
8. **Requests** the Secretary-General: 
(a) **To provide** the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate Israeli policies and practices referred to in the present resolution; 
(b) **To continue** to make available such staff as may be necessary to assist the Special Committee in the performance of its tasks; 
(c) **To circulate** regularly to Member States the periodic reports mentioned in paragraph 6 above; 
(d) **To ensure** the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available; 
(e) **To report** to the General Assembly at its sixtieth session on the tasks entrusted to him in the present resolution; 
9. **Decides** to include in the provisional agenda of its sixtieth session the item entitled “Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories”.

**RECORDED VOTE ON RESOLUTION 59/121:**

In favour: Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Cuba, Democratic People’s Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Nigeria, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Uzbekistan, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe.

In abstention: Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Cuba, Democratic People’s Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Nigeria, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Uzbekistan, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe.

Against: Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Cuba, Democratic People’s Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Nigeria, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Uzbekistan, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe.

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anal, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Fourth Geneva Convention

Report of Secretary-General. In September [A/50/399], the Secretary-General informed the General Assembly that Israel had not replied to his August request for information on steps taken or envisaged to implement Assembly resolution 58/97 [YUN 2003, p. 491] demanding that Israel accept the de jure applicability of the Fourth Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem, and that it comply scrupulously with its provisions. The Secretary-General noted that he had drawn the attention of all States parties to the Convention to paragraph 3 of resolution 58/97 calling on them to exert all efforts to ensure respect by Israel for the Convention’s provisions, and to paragraph 6 of resolution 58/100 [ibid., p. 524] calling on States not to recognize any legislative or administrative measures and actions taken by Israel in the occupied Syrian Golan.

The High Contracting Parties to the Fourth Geneva Convention had reaffirmed the applicability of the Convention to the Occupied Palestinian Territory at meetings in 1999 [YUN 1999, p. 415] and in 2001 [YUN 2001, p. 425].

GENERAL ASSEMBLY ACTION

On 10 December [meeting 71], the General Assembly, on the recommendation of the Fourth Committee [A/50/471], adopted resolution 59/122 by recorded vote (160-7-11) [agenda item 76].

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

The General Assembly

Reaffirming its relevant resolutions, including its resolution 58/292 of 6 May 2004,

Recalling also its resolution ES-10/15 of 20 July 2004,

Bearing in mind the relevant resolutions of the Security Council,

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

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

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

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

Noting in particular the Court’s reply, including that the Fourth Geneva Convention is applicable in the Occupied Palestinian Territory, including East Jerusalem, and that Israel is in breach of several of the provisions of the Convention,

Noting the convening for the first time, on 15 July 1999, of a Conference of High Contracting Parties to the Fourth Geneva Convention, as recommended by the General Assembly in its resolution ES-10/6 of 9 February 1999, on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure respect thereof in accordance with article 1 common to the four Geneva Conventions, and aware of the statement adopted by the Conference,

Welcoming the reconvening of the Conference of High Contracting Parties to the Fourth Geneva Convention on 5 December 2001 in Geneva and stressing the importance of the Declaration adopted by the Conference, and underlining the need for the parties to follow up the implementation of the Declaration,

Welcoming and encouraging the initiatives by States parties to the Convention, both individually and collectively, according to article 1 common to the four Geneva Conventions, aimed at ensuring respect for the Convention,

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

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

2. Demands that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

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

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

5. Requests the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 59/122:

In favour: Afghanistan, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Laos People’s Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya,Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syria, Trinidad and Tobago, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Grenada, Israel, Marshall Islands, Mauritania, Micronesia, Palau, United States.

Abstaining: Albania, Australia, Cameroon, Côte d’Ivoire, Dominican Republic, Haiti, Nauru, Papua New Guinea, Tuvuval, Uganda, Vanuatu.

Israeli settlements

Report of Secretary-General. On 9 September [A/59/343], the Secretary-General informed the General Assembly that Israel had not replied to his August request for information on steps taken or envisaged to implement the relevant provisions of resolution 58/98 [YUN 2003, p. 492], demanding that Israel, among other things, cease all construction of the wall and new settlements in the Occupied Palestinian Territory, including East Jerusalem.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 71], the General Assembly, on the recommendation of the Fourth Committee [A/59/471], adopted resolution 59/123 by recorded vote (155-8-15) [agenda item 76].

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

The General Assembly

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

Recalling its relevant resolutions, including resolution 58/292 of 6 May 2004, as well as those resolutions adopted at its tenth emergency special session,


Reaffirming the 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 to the occupied Syrian Golan,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies is a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and recalling also General Assembly resolution ES-10/15 of 20 July 2004,

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

Taking note of the recent report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993 and the subsequent implementation agreements between the Palestinian and Israeli sides,

Recalling also the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and noting specifically its call for a freeze on all settlement activity,

Aware that Israeli settlement activities have involved, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other illegal actions against the Palestinian civilian population,

Bearing in mind the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

Expressing grave concern about the continuation by Israel, the occupying Power, of settlement activities, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, including the construction and expansion of the settlements in Jabal Abu-Ghneim and Ras Al-Amud in and around Occupied East Jerusalem,

Expressing grave concern also about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution physi-
cally impossible to implement and which is causing the Palestinian people further humanitarian hardship.

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

Reiterates its opposition to settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and to any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

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

Gravely concerned about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory,

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

1. Recommends that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to Palestinian territory, including East Jerusalem, and in the occupied territory;

2. Calls upon Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. Reiterates its demand for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant Security Council resolutions;

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

5. Stresses the need for full implementation of Security Council resolution 904(1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

6. Reiterates its calls for the prevention of all acts of violence by Israeli settlers, especially against Palestinian civilians and property, particularly in the light of recent developments;

7. Requests the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 59/123:

A. For: Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, São Tomé and Príncipe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

B. Against: Australia, Grenada, Israel, Marshall Islands, Micronesia, Nauru, Palau, United States.

C. Abstaining: Albania, Cameroon, Côte d’Ivoire, Dominican Republic, Equatorial Guinea, Haiti, Kenya, Nicaragua, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Uganda, Uzbekistan, Vanuatu.

Palestinian women

The Secretary-General, in a report [E/CN.6/2004/4] to the Commission on the Status of Women, as requested by the Economic and Social Council in resolution 2003/42 [UN 2003, p. 494], reviewed the situation of Palestinian women and assistance provided by UN organizations from September 2002 to September 2003. He said that during that period, the occupation of Palestinian territory by Israel continued to have a detrimental effect on all aspects of the living conditions of the Palestinian people. Unemployment increased threefold and poverty rose among more than two thirds of the population. Women and children bore a special and enduring burden resulting from the occupation. Under the new Israeli rule, Palestinian women living in East Jerusalem were regarded as mere residents and were not allowed to give their nationality or residency to their husbands or children. Women’s responsibilities within households were expanded due to the death, imprisonment or unemployment of male members. Many women were placed in the position of being a primary household provider, caregiver and the main strategist for coping financially, mentally and physically with the new situation. The closures of roads, local curfews and numerous checkpoints prevented thousands of ordinary Palestinians from going to work, cultivating their fields or sending their children to school. About 140 checkpoints operated in the West Bank, and 25 to 30 others in the Gaza Strip. Hundreds of farmers lost their income since they were unable to cultivate their fields, and women were severely affected by the decline in the agricultural sector, a vital source of income for the household.

Although the situation in the Occupied Palestinian Territory made it difficult for international organizations to provide direct assistance to Palestinian women, the UN system continued to respond to their needs. The United Nations Development Programme (UNDP) provided as...
It was also important that efforts be made to invitation and monitoring of projects on the ground. on emergency assistance, particularly food assistance, declining, and the number of women dependent on capacity-building for gender equality, employment promotion and poverty eradication. The World Bank incorporated gender dimensions in its activities and participated in the Gender Task Force in the West Bank and Gaza. In response to emergency needs, the World Bank managed $25 million in bilateral donor funds for job-creation projects. One of the main selection criteria for emergency grants was a project's ability to benefit women. The Bank supported a counselling centre for women in difficult circumstances, aimed at providing support, therapy, advocacy and vocational training services to Palestinian women subjected to domestic violence. The Bank also completed a beneficiary assessment report of the second Community Development Project, which found that nearly 40 per cent of all schools rehabilitated under the project were girls' or co-educational schools. Among other Bank projects were construction of a girls' orphanage, vocational training to women under development grants and an integrated educational programme for women with children.

The Secretary-General observed that the humanitarian and socio-economic crisis in the Occupied Palestinian Territory had reached unprecedented levels. The capacity of Palestinian women to cope with that new situation had been declining, and the number of women dependent on emergency assistance, particularly food assistance, had risen. The status and living conditions of Palestinian women were linked to the achievement of a peaceful resolution of the conflict. There were important differences in how women and men were affected by the socio-economic and political situation, which were apparent in such areas as basic social services, including education and health, economic opportunities and means of livelihood. Those differences needed to be taken into account in research, data collection, policy and strategy development, and implementation and monitoring of projects on the ground. It was also important that efforts be made to increase women's full participation in decision-making processes at all levels. It was essential for UN entities to operate in the Occupied Palestinian Territory and the refugee camps, and to provide Palestinian women with food security, psychosocial/trauma counselling, health services, including reproductive health, education, and human rights and economic empowerment. Further opportunities should be sought to highlight the specific ways in which the crisis impacted on women as compared to men so that targeted actions could be taken to mitigate negative gender-specific impacts. The collection of data disaggregated by sex and studies on the impact of the crisis on women in particular areas should be encouraged, and the linkage between the ongoing crisis and the increase in domestic violence could be further explored. In the Secretary-General's view, efforts should be undertaken to address gender perspectives in international assistance programmes, in addition to implementing projects specifically targeting women.

**ECONOMIC AND SOCIAL COUNCIL ACTION**

On 23 July [meeting 51], the Economic and Social Council, on the recommendation of the Commission on the Status of Women [E/2004/27], adopted resolution 2004/56 by recorded vote (49-1-3) [agenda item H (6)].

**Situation of and assistance to Palestinian women**

*The Economic and Social Council, having considered with appreciation the report of the Secretary-General,*

Recalling the Nairobi Forward-looking Strategies for the Advancement of Women, in particular paragraph 260 concerning Palestinian women and children, the Beijing Platform for Action adopted at the Fourth World Conference on Women and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century”,

Recalling also its resolution 2003/42 of 22 July 2003 and other relevant United Nations resolutions,

Recalling further the Declaration on the Elimination of Violence against Women as it concerns the protection of civilian populations,

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and towards the speedy achievement of a final settlement between the Palestinian and Israeli sides,

Concerned about the grave deterioration of the situation of Palestinian women in the Occupied Palestinian Territory, including East Jerusalem, and about the severe consequences of continuous illegal Israeli settlements activities as well as the harsh economic conditions and other severe consequences of the continuing Israeli attacks and sieges on Palestinian cities, towns, villages and refugee camps, which has resulted in the dire humanitarian crisis being faced by Palestinian women and their families,

Concerned also that the route marked out for the wall under construction by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, could prejudice future negoti-
Palestinian children

On 20 December [meeting 74], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/59/499], adopted resolution 59/173 by recorded vote (117-5-62) [agenda item 101].

The situation of and assistance to Palestinian children

The General Assembly,

Recalling the Convention on the Rights of the Child, Bearing in mind the conclusion by the International Court of Justice, in its advisory opinion of 9 July 2004, that the Convention on the Rights of the Child is applicable within the Occupied Palestinian Territory,

Recalling the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,

Recalling also the Declaration and Plan of Action adopted by the General Assembly at its twenty-seventh special session,

Recalling further the relevant provisions of the International Covenant on Economic, Social and Cultural Rights,

Noting with grave concern that the Palestinian children under Israeli occupation remain deprived of many basic rights under the Convention on the Rights of the Child,

Concerned about the continued grave deterioration of the situation of Palestinian children in the Occupied Palestinian Territory, including East Jerusalem, the severely detrimental impact of the continuing Israeli assaults and sieges on Palestinian cities, towns, villages and refugee camps, and the continuing dire humanitarian crisis on the safety and well-being of Palestinian children,

Concerned also about the severely detrimental impact being caused by the unlawful construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, on the socio-economic conditions of Palestinian children and their families and on the enjoyment by Palestinian children of their right to education, to an adequate standard of living, including adequate food, clothing and housing, to health and to be free from hunger, in accordance with the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights,

Emphasizing the importance of the safety and well-being of all children in the whole Middle East region,

Expressing its condemnation of all acts of violence, resulting in extensive loss of human life and injuries, including among Palestinian children,

Deeply concerned about the negative consequences, including psychological consequences, of the Israeli military actions for the present and future well-being of Palestinian children,

1. Stresses the urgent need for Palestinian children to live a normal life free from foreign occupation, destruction and fear in their own State;

2. Demands, in the meanwhile, that Israel, the occupying Power, respect relevant provisions of the Con-
vention on the Rights of the Child and comply fully with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in order to ensure the well-being and protection of Palestinian children and their families.

3. Calls upon the international community to provide urgently needed assistance and services in an effort to alleviate the dire humanitarian crisis being faced by Palestinian children and their families and to help in the reconstruction of relevant Palestinian institutions.

**RECORDED VOTE ON RESOLUTION 59/173:**

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Chad, Chile, China, Comoros, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Vanuatu.

Against: Israel, Marshall Islands, Micronesia, Palau, United States.

Abstaining: Albania, Andorra, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, New Zealand, Norway, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tonga, Tuvalu, Ukraine, United Kingdom, Uruguay, Vanuatu.

**Issues related to Palestine**

**General aspects**

The General Assembly again considered the question of Palestine in 2004. Having discussed the annual report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian Rights) [A/59/15], the Assembly adopted five resolutions, reaffirming, among other things, the necessity of achieving a peaceful settlement of the Palestinian question—the core of the Arab-Israeli conflict—and stressing the need for the realization of the inalienable rights of the Palestinians, primarily the right to self-determination, for Israel withdrawal from the Palestinian territory occupied since 1967 and for resolving the problem of the Palestine refugees. The Assembly also affirmed that the status of the Palestinian territory remained one of military occupation. It called on the Secretariat to continue its activities to promote and raise awareness of Palestinian rights.

In observance of the International Day of Solidarity with the Palestinian People, celebrated annually on 29 November in accordance with Assembly resolution 32/40 B [YUN 1977, p. 304], the Committee held a solemn meeting. The Permanent Observer Mission of Palestine, under the Committee’s auspices, presented an exhibit entitled “Steadfast in Palestine”.

**Report of Secretary-General.** In a November report on the peaceful settlement of the question of Palestine [A/59/74-S/2004/909], submitted in response to Assembly resolution 58/21 [YUN 2003, p. 497], the Secretary-General made observations on the Middle East peace process (see also p. 453). On 12 April, the Secretary-General sought the positions of Israel, Egypt, Jordan, Lebanon, the Syrian Arab Republic and the Permanent Observer of Palestine regarding steps taken to implement the resolution. As at 17 September, Israel, Syria and the Permanent Observer had responded.

Israel said that it viewed the resolution as unbalanced and as an undue interference in matters which the parties had agreed to resolve within the context of direct bilateral negotiations. The violence in the region was a result of a Palestinian decision to abandon peace negotiations and pursue their goals through violence and terrorism. The one-sided approach of the resolution, which sought to dictate the outcome of the negotiating process, effectively rewarded violence at a time when the Palestinian side should discontinue such acts and boldly pursue peaceful dialogue.

Syria affirmed that Israel’s determination to continue its expansionist policy inside Palestinian territory, especially while it was building the separation wall, and its non-compliance with Assembly resolutions, were blatant examples of its illegitimate actions and a denial of the principle of equal and inalienable rights and self-determination of peoples.

The Permanent Observer said that Israel’s withdrawal from Palestinian territory was a fundamental requisite for solving the question of Palestine and achieving a peaceful settlement of the Israeli-Palestinian conflict, based on the two-State solution. Israel’s settler policy and its construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, were the antithesis of withdrawal and actually constituted the main obstacle to the realization of the national rights of the Palestinian people and the achievement of the two-State solution. Without the complete cessation and reversal of all settlement activities and of the construction of the wall, there could be no hope for the road map and
for a peaceful settlement. The international community had to face that reality and take the necessary measures to reach that result.

The Secretary-General, summarizing developments during the year, observed that the rising number of deaths and violence in the Middle East were evidence of the lack of progress in advancing the peace process. In general, both parties had not lived up to their road map obligations. On the economic front, the picture remained grim. The Palestinian economy was in tatters and stood little chance of recovery unless immediate action was taken. Forty-seven per cent of the Palestinian population lived in poverty. Unemployment among Palestinians stood at 34.3 per cent, or 28.6 per cent at the ILO-adjusted rate, which excluded discouraged workers. UNRWA and the World Food Programme were providing food to 39 per cent of the Palestinian population in the occupied territory. The economic crisis, according to the World Bank, was contributing to the impoverishment of an entire generation of young Palestinians, as well as to the undermining of the credibility of the PA, and, inevitably, it was increasing the popular appeal of militant factions. The primary cause of that crisis was the closure regime imposed by Israel and, without a significant change in that regime, the Palestinian economy would not be revived. According to the World Bank, Israel’s disengagement plan would have limited impact on the Palestinian economy if it were not accompanied by a radical easing of closure that encompassed three elements: the removal of internal obstacles to movement in the West Bank; the opening of Palestinian external borders to commodity trade; and a return to a reasonable flow of Palestinian labour into Israel. If those conditions were met, additional donor money could be raised, but donors needed some assurance that their contributions would have an impact. Aid would be provided in the context of a successful comprehensive Israeli withdrawal from the Gaza Strip and the northern West Bank, as a first step in the implementation of the road map.

The Secretary-General said that it was particularly disquieting that Israel had announced its intention to phase out completely Palestinian employment inside Israel by 2008. The number of Palestinians employed in Israel had decreased significantly since September 2000, and the Palestinian economy was dependent on the Israeli economy, not only for employment but also for raw materials and trade. A revival of the Palestinian economy in the short term depended on a return to reasonable levels of Palestinian employment in Israel. Should Israel insist on ending Palestinian employment and implement the disengagement plan without accompanying measures to ease closure, unemployment and poverty would continue to soar among Palestinians. The Secretary-General called on the international community to provide the resources necessary to support UN programmes in addressing the deteriorating economic and humanitarian situation of the Palestinian people.

**GENERAL ASSEMBLY ACTION**

On 1 December [meeting 64], the General Assembly adopted resolution 59/31 [draft: A/59/L.37 & Add.1] by recorded vote (161-7-10) [agenda item 37].

**Peaceful settlement of the question of Palestine**

**The General Assembly,**

Recalling its relevant resolutions, including those adopted at the tenth emergency special session,

Recalling also its resolution 58/292 of 6 May 2004,


Welcoming the affirmation by the Security Council of the vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders,

Noting with concern that it has been fifty-seven years since the adoption of resolution 181(II) of 29 November 1947 and thirty-seven years since the occupation of Palestinian territory, including East Jerusalem, in 1967,

Having considered the report of the Secretary-General submitted pursuant to the request made in its resolution 58/21 of 3 December 2003,

Reaffirming the permanent responsibility of the United Nations with regard to the question of Palestine until the question is resolved in all its aspects in accordance with international law,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and recalling also its resolution ES-10/15 of 20 July 2004,

Convinced that achieving a final and peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive and lasting peace and stability in the Middle East,

Aware that the principle of equal rights and self-determination of peoples is among the purposes and principles enshrined in the Charter of the United Nations,

Affirming the principle of the inadmissibility of the acquisition of territory by war,

Recalling its resolution 2025(XXV) of 24 October 1970,

Reaffirming the illegality of the Israeli settlements in the territory occupied since 1967 and of Israeli actions aimed at changing the status of Jerusalem,

Reaffirming also that the construction by Israel, the occupying Power, of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem,
and its associated regime, are contrary to international law. Affirming once again the right of all States in the region to live in peace within secure and internationally recognized borders, Recalling the mutual recognition between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, and the agreements concluded between the two sides, and the need for full compliance with those agreements, Recalling also the endorsement by the Security Council, in resolution 1515(2003), of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and stressing the urgent need for its implementation and compliance with its provisions, Noting the establishment of the Palestinian Authority, and recognizing the urgent need to rebuild, reform and strengthen its damaged institutions, Welcoming the contribution to the peace process of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, including in the framework of the activities of the Quartet, Welcoming also the convening of international donor meetings, as well as the establishment of international mechanisms to provide assistance to the Palestinian people, Expressing its grave concern over the tragic events in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000 and the continuing deterioration of the situation, including the rising number of deaths and injuries, mostly among Palestinian civilians, the deepening humanitarian crisis facing the Palestinian people and the widespread destruction of Palestinian property and infrastructure, both private and public, including institutions of the Palestinian Authority, Expressing its grave concern also over the repeated military actions in the Occupied Palestinian Territory and the reoccupation of Palestinian population centres by the Israeli occupying forces, Emphasizing the importance of the safety and well-being of all civilians in the whole Middle East region, and condemning all acts of violence and terror against civilians on both sides, including the suicide bombings, the extrajudicial executions and the excessive use of force, Gravely concerned over the increased suffering and casualties on both the Palestinian and Israeli sides, the loss of confidence on both sides and the dire situation facing the Middle East peace process, Aware of the urgent need for revitalized and active international involvement to support both parties in overcoming the current dangerous impasse in the peace process, Affirming the urgent need for the parties to cooperate with all international efforts, including the efforts of the Quartet, to end the current tragic situation and to resume and accelerate negotiations towards a final peace settlement, Welcoming the initiatives and efforts undertaken by civil society in pursuit of a peaceful settlement of the question of Palestine, Taking note of the findings by the International Court of Justice, in its advisory opinion, including on the urgent necessity for the United Nations as a whole to redouble its efforts to bring the Israeli-Palestinian conflict, which continues to pose a threat to international peace and security, to a speedy conclusion, thereby establishing a just and lasting peace in the region, 1. Reaffirms the necessity of achieving a peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, in all its aspects, and of intensifying all efforts towards that end; 2. Reaffirms its full support for the Middle East peace process, which began in Madrid, and the existing agreements between the Israeli and Palestinian sides, stresses the necessity for the establishment of a comprehensive, just and lasting peace in the Middle East, and welcomes in this regard the ongoing efforts of the Quartet; 3. Welcomes the Arab Peace Initiative adopted by the Council of the League of Arab States at its fourteenth session, held in Beirut on 27 and 28 March 2002; 4. Calls upon both parties to fulfil their obligations in implementation of the road map by taking parallel and reciprocal steps in this regard, and stresses the importance and urgency of establishing a credible and effective third-party monitoring mechanism including all members of the Quartet; 5. Stresses the need for a speedy end to the reoccupation of Palestinian population centres and for the complete cessation of all acts of violence, including military attacks, destruction and acts of terror; 6. Calls upon the parties, with the support of the Quartet and other interested parties, to exert all efforts necessary to halt the deterioration of the situation, to reverse all measures taken on the ground since 28 September 2000 and to facilitate a speedy resumption of the peace process and the conclusion of a final peaceful settlement; 7. Demands that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion, and calls upon all States Members of the United Nations to comply with their legal obligations as mentioned in the advisory opinion; 8. Reaffirms its commitment, in accordance with international law, to the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders; 9. Reiterates its demand for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the implementation of the relevant Security Council resolutions; 10. Stresses the need for: (a) The withdrawal of Israel from the Palestinian territory occupied since 1967; (b) The realization of the inalienable rights of the Palestinian people, primarily the right to self-determination and the right to their independent State; 11. Also stresses the need for resolving the problem of the Palestinian refugees in conformity with its resolution 194(III) of 11 December 1948; 12. Urges Member States to expedite the provision of economic, humanitarian and technical assistance to
the Palestinian people and the Palestinian Authority during this critical period to help alleviate the suffering of the Palestinian people, rebuild the Palestinian economy and infrastructure and support the restructuring and reform of Palestinian institutions;

13. Requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, towards the attainment of a peaceful settlement of the question of Palestine and the promotion of peace in the region and to submit to the General Assembly at its sixtieth session a report on these efforts and on developments on this matter.

RECORDED VOTE ON RESOLUTION 58/31:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining: Cameroon, Haiti, Honduras, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Uganda, Vanuatu.

By decision 59/552 of 23 December, the Assembly decided that the agenda items entitled “The situation in the Middle East” and “Question of Palestine” would remain for consideration during its resumed fifty-ninth (2004) session.

Status of the Occupied Palestinian Territory

On 6 May [meeting 87], the General Assembly adopted resolution 58/292 [draft: A/58/L.61/Rev.1] by recorded vote (H-6-11) [agenda item 38].

Status of the Occupied Palestinian Territory, Including East Jerusalem

The General Assembly,

Recalling its resolutions 3257(XXIX) of 22 November 1974, 43/177 of 15 December 1988 and 52/250 of 7 July 1998,


Recalling further the relevant provisions of international law, as well as relevant United Nations resolutions, with regard to Israeli settlements and to Occupied East Jerusalem,

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

Noting that Palestine, in its capacity as observer and pending its attainment of full membership in the United Nations, does not present credentials to the General Assembly,

Acknowledging the need to enable the Palestinian people to exercise sovereignty and to achieve independence in their State, Palestine,

1. Affirms that the status of the Palestinian territory occupied since 1967, including East Jerusalem, remains one of military occupation, and affirms, in accordance with the rules and principles of international law and relevant resolutions of the United Nations, including Security Council resolutions, that the Palestinian people have the right to self-determination and to sovereignty over their territory and that Israel, the occupying Power, has only the duties and obligations of an occupying Power under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and the Regulations annexed to the Hague Convention respecting the Laws and Customs of War on Land of 1907;

2. Expresses its determination to contribute to the achievement of the inalienable rights of the Palestinian people and the attainment of a just and comprehensive negotiated peace settlement in the Middle East resulting in two viable, sovereign and independent States, Israel and Palestine, based on the pre-1967 borders and living side by side in peace and security.

RECORDED VOTE ON RESOLUTION 58/292:

In favour: Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Central African Republic, Chile, China, Colombia, Comoros, Congo, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Australia, Grenada, Israel, Marshall Islands, Micronesia, Palau, United States.

Abstaining: Cameroon, Haiti, Honduras, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Uganda, Vanuatu.

Speaking after the vote, Israel said it objected to the resolution because of what it ignored and what it misrepresented, and because the motive of its primary sponsor in submitting the text was to undermine and prejudice the negotiating process, not to further it. The resolution ignored the Quartet statement made on 4 May (see p. 460) and violated the central tenet of the peace process, reiterated in the Quartet statement, which was to avoid prejudging the outcome of negotia-
tions. The resolution also misrepresented reality, for it was a matter of fact and of law that the 1949 Armistice Lines (the wording in the draft text was changed in operative paragraph 2 to read “pre-1967 borders”, replacing “1949 Armistice Lines”) had never represented borders, as the resolution could be taken to imply.

The Permanent Observer of Palestine said that the resolution reaffirmed basic issues, including the status of the Palestinian territory occupied since 1967, including East Jerusalem, as territory under military occupation. It also reaffirmed that the Palestinian people had the right to self-determination and to exercise sovereignty over their territory. Moreover, the resolution affirmed that Israel, the occupying Power, needed to comply with its duties and obligations under the Fourth Geneva Convention and the Fourth Hague Convention. Those were all important matters that pertained to the core of the conflict and to the foundation of rights of the Palestinian people.

Committee on Palestinian Rights

As mandated by General Assembly resolution 58/18 [YUN 2005, p. 500], the Committee on the Exercise of the Inalienable Rights of the Palestinian People reviewed the situation relating to the Palestine question, reported on it and made suggestions to the Assembly and the Security Council.

The Committee followed the Palestine-related activities of intergovernmental bodies, such as the African Union, the Non-Aligned Movement and the Organization of the Islamic Conference, and, through its Chairman, participated in meetings of those bodies. In June, the Committee’s Bureau held consultations with EU representatives to build a constructive relationship on issues of common concern. Throughout the year, the Committee held a number of international events, including the United Nations International Meeting on the Impact of the Construction of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem (Geneva, 13-16 April); the United Nations African Meeting in Support of the Inalienable Rights of the Palestinian People (Cape Town, South Africa, 29-30 June); the United Nations Forum of Civil Society in Support of Middle East Peace (Cape Town, 1 July); and the United Nations International Conference of Civil Society in Support of the Palestinian People (New York, 13-14 September).

In its annual report to the Assembly [A/59/35] covering the period from 1 October 2003 to 6 October 2004, the Committee said that the unremitting Israeli military incursions in areas under Palestinian control continued, increasing the numbers of those killed and wounded and resulting in the devastation of Palestinian cities and communities. The Committee was deeply troubled by the disproportionate and indiscriminate use of force by the Israeli army and the practice of collective punishment. The expansion of settlements and outposts and the construction of the wall in the West Bank continued at a brisk pace, along with the demolition of houses, confiscation of Palestinian property and unprecedented restrictions of movement. The number of Palestinians killed, in the four years of the intifada (uprising), reached a total of over 3,700, with some 35,700 injured. The Committee remained concerned over Israeli military operations in densely populated residential areas in the Occupied Palestinian Territory, especially the Gaza Strip. Since the start of the intifada, more than 65,998 Palestinian buildings, including homes, were destroyed or damaged. The Israeli army intensified extrajudicial killings, a policy the Committee had repeatedly condemned as inadmissible under international humanitarian law. At the same time, it strongly condemned all terrorist attacks against civilians in Israel, which also could not be justified. In addition, the Committee condemned Israel’s continued siege on PA President Arafat in Ramallah, preventing him for almost three years from properly carrying out his duties. A worsening fiscal crisis likewise affected the PA’s effectiveness in delivering core services to the population. Despite a financial gap of $890 million for 2004, it managed to provide for basic needs, including education, health, water, electricity and sewerage, although the standards of those services had declined. Efforts were made by the PA to introduce reforms in the finance and public administration areas. Security services members began receiving their salaries through bank accounts, replacing payment in person. The PA announced in August that simultaneous presidential, parliamentary and municipal elections would be held by spring 2005, though the Palestinian Central Elections Committee expressed concern about the registration of voters, given the curfews and Israeli military incursions.

The Committee noted with growing concern that Israel continued the expansion of settlements, in violation of its obligation under the road map. Based on a June survey, settlement expansion was under way at 73 of 211 settlement locations, including 12 of the 21 settlements in the Gaza Strip. In and around East Jerusalem, settlement activity proceeded at a rate unmatched since 1992. The total area of expansion was close to 500,000 square metres and included land development for settlement, new infrastructure,
construction within the settlements, internal road works and the placement of new caravans.

The construction by Israel of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, caused great hardship to the Palestinians. Some 875,000 Palestinians in the West Bank, 38 per cent of the population, had been affected by the wall. Some 263,200 living in 81 localities had become isolated. The wall created a fait accompli that could become permanent and lead to the de facto annexation of Palestinian land. The Committee welcomed the advisory opinion of ICJ, in which the Court determined, among other things, that Israel was under an obligation to cease the construction and to dismantle portions built on Palestinian land (see p. 465). On 30 June, the Israeli High Court of Justice ordered changes in the trajectory of the wall along a 30-kilometre segment north of Jerusalem, stating that the separation from their agricultural land injured local inhabitants in a severe and acute way. In response to the ruling, the Israeli Defence Ministry presented changes in the route of the wall south of Hebron, which would be closer to the Armistice Line of 1949 (known as the Green Line). However, 15 square kilometres of Palestinian land remained on the Israeli side of the wall. The system of curfews and closures imposed by Israel, which severely restricted the movement of Palestinian people, goods and services, remained the central impediment to economic stabilization and recovery.

The Committee maintained that the continuing Israeli occupation remained at the core of the Israeli-Palestinian conflict and that a negotiated solution that would end the occupation and enable the Palestinian people to exercise its inalienable rights was urgently needed. In its view, the road map remained the best way to achieve a comprehensive, just and lasting solution through the establishment of two States, Israel and Palestine, based on the 1967 borders. Any unilateral moves by either party would not contribute to a durable settlement unless they were based on negotiations between the two sides and were part of the implementation of the road map. The existence of the wall rendered the vision of a two-State solution almost impossible.

**GENERAL ASSEMBLY ACTION**

On 1 December [meeting 64], the General Assembly adopted resolution 59/28 [draft: A/59/L.34 & Add.1] by recorded vote (104-7-63) [agenda item 37].

**Committee on the Exercise of the Inalienable Rights of the Palestinian People**

*The General Assembly,* **Recalling** its resolutions 181(II) of 29 November 1947, 194(III) of 11 December 1948, 3256(XXIX) of 22 November 1974, 3375(XXX) and 3376(XXX) of 10 November 1975, 31/20 of 24 November 1976 and all subsequent relevant resolutions, including those adopted by the General Assembly at its emergency special sessions and resolution 58/18 of 3 December 2003,

**Recalling also** its resolution 58/292 of 6 May 2004,

**Having considered** the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

**Recalling** the mutual recognition between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, as well as the existing agreements between the two sides and the need for full compliance with those agreements,

**Recalling also** the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

**Recalling further** the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and recalling also its resolution ES-10/15 of 20 July 2004,

**Reaffirming** that the United Nations has a permanent responsibility towards the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy,

1. **Expresses its appreciation** to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly, and takes note of its annual report, including the conclusions and recommendations contained in chapter VII thereof;

2. **Requests** the Committee to continue to exert all efforts to promote the realization of the inalienable rights of the Palestinian people, to support the Middle East peace process and to mobilize international support for and assistance to the Palestinian people, and authorizes the Committee to make such adjustments in its approved programme of work as it may consider appropriate and necessary in the light of developments and to report thereon to the General Assembly at its sixty-sixth session and thereafter;

3. **Also requests** the Committee to continue to keep under review the situation relating to the question of Palestine and to report and make suggestions to the General Assembly, the Security Council or the Secretary-General, as appropriate;

4. **Further requests** the Committee to continue to extend its cooperation and support to Palestinian and other civil society organizations in order to mobilize international solidarity and support for the achievement by the Palestinian people of its inalienable rights and for a peaceful settlement of the question of Palestine, and to involve additional civil society organizations in its work;

5. **Requests** the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194(III), and other United Nations bodies associated with the question of Palestine to continue to cooperate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;
6. Invites all Governments and organizations to extend their cooperation to the Committee in the performance of its tasks;  
7. Requests the Secretary-General to circulate the report of the Committee to all the competent bodies of the United Nations, and urges them to take the necessary action, as appropriate;  
8. Also requests the Secretary-General to continue to provide the Committee with all the necessary facilities for the performance of its tasks.

RECORDED VOTE ON RESOLUTION 59/29:

In favour: Afghanistan, Algeria, Argentina, Armenia, Azerbaijan, Bahama-
mas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia, Bot-
tswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde,  
Central African Republic, Chile, China, Colombia, Congo, Côte d’Ivoire,  
Cuba, Cyprus, Democratic People’s Republic of Korea, Djibouti, Domini-
canica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia,  
Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran, Iraq, Ja-
maica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People’s Demo-
cratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya,  
Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius,  
Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Niger-
ia, Oman, Pakistan, Panama, Paraguay, Philippines, Qatar, Saint Lucia,  
Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Si-
erra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suri-
name, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tun-
isia, Turkey, Turkmenistan, United Arab Emirates, United Republic of  
Tanzania, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.  
Against: Australia, Canada, Israel, Marshall Islands, Micronesia, Palau,  
United States.

Abstaining: Albania, Andorra, Austria, Belgium, Bosnia and Herzeg-
ovina, Bulgaria, Burundi, Cameroon, Costa Rica, Croatia, Czech Repub-
lic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia,  
Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ir-
land, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg,  
Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Papua  
New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of  
Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia and  
Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Swit-
zerland, Thailand, The former Yugoslav Republic of Macedonia, Tonga,  
Uganda, Ukraine, United Kingdom, Uruguay, Vanuatu.

Division for Palestinian Rights

Under the guidance of the Committee on Palest-
stinian Rights, the Division for Palestinian Rights of the UN Secretariat continued to re-
search, monitor, prepare studies, and collect and  
disseminate information on all issues related to  
the Palestine question. The Division responded  
to requests for information and issued the follow-
ing publications: a monthly bulletin covering  
avtive; reports of meetings organized under the auspices of the Committee; a special  
bulletin on the observance of the International  
Day of Solidarity with the Palestinian People (29 November); periodic reviews of developments  
related to Middle East peace efforts; and an an-
nual compilation of relevant General Assembly and Security Council action.

The Committee, in its annual report [A/59/35],  
requested the Division to continue its programme of publications and other informational activi-
ties, including further expansion of the elec-
tronic United Nations Information System on the

Question of Palestine and the graphic enhance-
ment of the “Question of Palestine” website. It  
requested that the annual training programme for PA staff be continued.

GENERAL ASSEMBLY ACTION

On 1 December [meeting 64], the General As-
bly adopted resolution 59/29 [draft: A/59/L.35 & Add.1] by recorded vote (103-8-64) [agenda item 37].

Division for Palestinian Rights of the Secretariat

The General Assembly,  
Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,  
Taking note in particular of the relevant information contained in chapter V.B of that report,  
Resolving its resolution 32/40 B of 2 December 1977 and all subsequent relevant resolutions, including resolution 58/19 of 3 December 2003,  
Invites all Governments and organizations to ex-
trast their cooperation to the Committee in the performance of its tasks;  
Requests the Secretary-General to circulate the report of the Committee to all the competent bodies of the United Nations, and urges them to take the necessary action, as appropriate;  
Also requests the Secretary-General to continue to provide the Committee with all the necessary facilities for the performance of its tasks.

RECORDED VOTE ON RESOLUTION 59/29:

In favour: Afghanistan, Algeria, Argentina, Azerbaijan, Bahama-
mas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia, Bot-
tswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde,  
Central African Republic, Chile, China, Colombia, Congo, Côte d’Ivoire,  
Cuba, Cyprus, Democratic People’s Republic of Korea, Djibouti, Ecuador,

YUN04—4th proofs /OF  
July 6 2006
As requested in General Assembly resolution 58/20 [YUN 2003, p. 502], the UN Department of Public Information (DPI) in 2004 continued its special information programme on the question of Palestine, which included the maintenance of the official UN documentation and the production and preservation of such material and the updating of the various aspects of the question of Palestine in all six UN official languages. The quarterly UN Chronicle and UN Chronicle Online reported on relevant issues and action taken by the Assembly and the Security Council. DPI, in cooperation with the Foreign Ministry of China, organized an international media seminar on peace in the Middle East (Beijing, 16-17 June).

As in previous years, the network of United Nations information centres (UNICs) and other UN offices carried out activities in connection with the International Day of Solidarity with the Palestinian People. Throughout the year, many UNICs dealt with the Palestine question and organized related outreach activities.

**Special information programme on the question of Palestine of the Department of Public Information of the Secretariat**

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Taking note in particular of the information contained in chapter VI of that report,

Recalling its resolution 58/20 of 3 December 2003,

Convinced that the worldwide dissemination of accurate and comprehensive information and the role of civil society organizations and institutions remain of vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people,

Recalling the mutual recognition between the Government of the State of Israel and the Palestinian Liberation Organization, the representative of the Palestinian people, as well as the existing agreements between the two sides and the need for full compliance with those agreements,

Taking note of the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,

1. Notes with appreciation the action taken by the Department of Public Information of the Secretariat in compliance with resolution 58/20.

2. Considers that the special information programme on the question of Palestine of the Department is very useful in raising the awareness of the international community concerning the question of Palestine and the situation in the Middle East and that the programme is contributing effectively to an atmospheric conducive to dialogue and supportive of the peace process.

3. Requests the Department, in full cooperation and coordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to continue, with the necessary flexibility as may be required by developments affecting the question of Palestine, its special information programme for the biennium 2004-2005, in particular:

(a) To disseminate information on all the activities of the United Nations system relating to the question of Palestine, including reports on the work carried out by the relevant United Nations organizations.

(b) To continue to issue and update publications on the various aspects of the question of Palestine in all fields, including materials concerning the recent developments in that regard, in particular the prospects for peace;

(c) To expand its collection of audio-visual material on the question of Palestine and to continue the production and preservation of such material and the updating of the exhibit in the Secretariat;

(d) To organize and promote fact-finding news missions for journalists to the Occupied Palestinian Territory, including East Jerusalem;

(e) To organize international, regional and national seminars or encounters for journalists, aiming in particular at sensitizing public opinion to the question of Palestine;

(f) To continue to provide assistance to the Palestinian people in the field of media development, in particular to strengthen the training programme for Palestinian broadcasters and journalists initiated in 1995.

**RECORDED VOTE ON RESOLUTION 58/30:**

In favour: Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining: Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Burundi, Cameroon, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tonga, Uganda, Ukraine, United Kingdom, Vanuatu.

Against: Australia, Grenada, Israel, Marshall Islands, Micronesia, Nauru, Palau, United States.
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Assistance to Palestinians

UN activities


During the reporting period, new hope for a peaceful solution to the Palestinian-Israeli conflict was brought about by the road map proposed by the Quartet [YUN 2003, p. 464], spelling out concrete steps towards the fulfillment of the vision of two States, Israel and Palestine, living side by side in peace and security. However, neither side honed its commitments, for Israel did not stop settlement activities and continued its military operations in Palestinian areas and the construction of the security wall, while the PA did not bring an end to violence and terrorism. Throughout the reporting period, UN agencies in the Occupied Palestinian Territory had to seek additional resources to meet increasing emergency needs while trying to maintain their development activities, and the focus of those activities shifted even more to humanitarian aid as compared to the previous year. The UN system provided assistance in a number of areas, including institutional capacity-building, human resources and social development, human rights and women, infrastructure and natural resources management, and productive sectors.

The Quartet’s Task Force on Palestinian Reform, established in 2002 [YUN 2002, p. 432], continued to monitor and support the implementation of Palestinian civil reforms and guide the international donor community in assisting the Palestinian reform agenda. Significant technical and programmatic donor support in all reform areas continued to be forthcoming. The Task Force worked with Palestinians to update the Palestinian reform action plan, which, on a continuing basis, highlighted Palestinian commitments, reviewed benchmarks, identified obstacles to reform and proposed areas for donor assistance. The Task Force conducted its activities through seven reform support groups in the areas of elections, financial accountability, judicial and rule of law reform, legislative reform, market economics, local government, and public administration and civil service reform. At its meeting in Rome on 11 December 2003, the Task Force noted that Palestinian political instability, continued Israeli restrictions on freedom of movement and the significant deterioration of security contributed to paralysis and delay in the reform process. While expressing concern that that process had been largely stalled over the previous four months, it nonetheless welcomed the progress made in several areas of Palestinian civil reform, in particular the implementation of higher standards of fiscal transparency and accountability, and work towards developing public institutions and laws to promote a market economy. The Palestinian efforts to establish a centrally coordinated and proactive approach to reform through the PA Reform Coordination Support Unit, under the auspices of the Prime Minister, and the establishment of the Palestinian National Reform Committee, composed of representatives from the Government, the legislature, the business community and civil society, were positive steps towards developing a more comprehensive reform agenda. In its progress report of February 2004, the Task Force expressed disappointment at the overall pace of reform. It noted that significant measures had been adopted, such as the passing by the Palestinian Legislative Council of the 2004 budget, the start of voter registration and the decision to pay all security personnel through bank transfers. However, it observed that a real political commitment by both parties was still lacking and was hampering progress in many areas, especially in the judicial and legislative fields.

The Secretary-General observed that a two-track strategy—balancing emergency needs against development goals that supported a viable PA—had been the basis of the UN approach since 2001. Although less than preferable, it had become the modus operandi for relief efforts in the Occupied Palestinian Territory. As a result of their considerable efforts, the UN system and donors had achieved measured success in both
emergency and development assistance. The successes had been overshadowed by the escalation of the crisis, which had led not only to loss of life, but also to a reversal in the progress made in the socio-economic sectors. Humanitarian and financial assistance alone would not serve as a solution to the political crisis. A solution regarding the status of the Palestinian people, as well as the economic situation and humanitarian crisis, were linked directly to respect for international law and the achievement of a peaceful resolution of the conflict, and it was necessary to ease restrictions and work closely with those providing aid and development projects, and the PA needed to take steps to lessen Israel’s security concerns.

The Economic and Social Council, on 23 July, took note of the Secretary-General’s report (decision 2004/297).

UNCTAD assistance to Palestinians

At its fifty-first session (Geneva, 4-15 October) [A/59/15], the Trade and Development Board of the United Nations Conference on Trade and Development (UNCTAD) considered the report on UNCTAD assistance to the Palestinian people (TD/B/34/2). The report underlined the urgency of bringing relief, rehabilitation and development efforts into a cohesive framework determined by a Palestinian development vision and agenda. The Palestinian economy continued to feature structural imbalances and distortions, owing to occupation, geographic isolation and fragmentation, war and institutional attrition, and the uncertainty of implementation of the proposed two-State solution and the international community’s road map. UNCTAD supported Palestinian development efforts and the establishment of new partnerships with the private sector and international development organizations. Increasingly, donors considered UNCTAD to be a transparent development agency capable of delivering cost-effective technical assistance to the Palestinian people. However, funding constraints were becoming increasingly critical, and that had impaired the efficiency and impact of technical assistance. The secretariat’s ability to forge ahead with the design and initiation of planned technical assistance activities was undermined by recurrent limitations and the unpredictability and reduction of resources. Regular budgetary resources were sufficient to maintain the secretariat’s specialized knowledge and policy analysis capacity in specific areas, and to provide occasional advisory services, but they were not adequate for managing a multisectoral technical assistance programme or to enable Palestinian representatives to participate fully in UNCTAD expert meetings. In order to remedy that situation, the secretariat was prepared to follow up on the Board deliberations with proactive resource mobilization efforts.

GENERAL ASSEMBLY ACTION

On 2 December [meeting 65], the General Assembly adopted resolution 59/56 (draft: A/59/L.24 & Add.1, orally revised) without vote [agenda item 39 (c)].

Assistance to the Palestinian people

The General Assembly,
Recalling its resolution 58/113 of 17 December 2003, as well as previous resolutions on the question,
Recalling also the signing of the Declaration of Principles on Interim Self-Government Arrangements in Washington, D.C., on 13 September 1993, by the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, and the subsequent implementation agreements concluded by the two sides,
Gravely concerned at the deterioration in the living conditions of the Palestinian people throughout the occupied territory, which constitutes a mounting humanitarian crisis,
Conscious of the urgent need for improvement in the economic and social infrastructure of the occupied territory,
Aware that development is difficult under occupation and is best promoted in circumstances of peace and stability,
Noting the great economic and social challenges facing the Palestinian people and their leadership,
Conscious of the urgent necessity for international assistance to the Palestinian people, taking into account the Palestinian priorities,
Welcoming the results of the Conference to Support Middle East Peace, convened in Washington, D.C., on 1 October 1995, the establishment of the Ad Hoc Liaison Committee and the work being done by the World Bank as its secretariat and the establishment of the Consultative Group, as well as all follow-up meetings and international mechanisms established to provide assistance to the Palestinian people,
Welcoming also the work of the Joint Liaison Committee, which provides a forum in which economic policy and practical matters related to donor assistance are discussed with the Palestinian Authority,
Stressing the continued importance of the work of the Ad Hoc Liaison Committee in the coordination of assistance to the Palestinian people,
Noting the upcoming meeting of the Ad Hoc Liaison Committee to review the state of the Palestinian economy,
Stressing the need for the full engagement of the United Nations in the process of building Palestinian institutions and in providing broad assistance to the Palestinian people, and welcoming in this regard the support provided to the Palestinian Authority by the Task Force on Palestinian Reform, established by the Quartet in 2002,
Noting, in this regard, the active participation of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organi-
zation and the Palestinian Authority in the activities of the Special Envoys of the Quartet.

Welcoming the endorsement by the Security Council, in its resolution 1515(2003) of 19 November 2003, of the performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict, and stressing the need for its implementation and compliance with its provisions,

Having considered the report of the Secretary-General, 

Expressing grave concern at the continuation of the recent tragic and violent events that have led to many deaths and injuries,

1. Takes note of the report of the Secretary-General;
2. Also takes note of the report of the Personal Humanitarian Envoy of the Secretary-General on the humanitarian conditions and needs of the Palestinian people;
3. Expresses its appreciation to the Secretary-General for his rapid response and efforts regarding assistance to the Palestinian people;
4. Also expresses its appreciation to the Member States, United Nations bodies and intergovernmental, regional and non-governmental organizations that have provided and continue to provide assistance to the Palestinian people;
5. Stresses the importance of the work of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority and of the steps taken under the auspices of the Secretary-General to ensure the achievement of a coordinated mechanism for United Nations activities throughout the occupied territories;
6. Urges Member States, international financial institutions of the United Nations system, intergovernmental and non-governmental organizations and regional and interregional organizations to extend, as rapidly and as generously as possible, economic and social assistance to the Palestinian people, in close cooperation with the Palestine Liberation Organization and through official Palestinian institutions;
7. Calls upon relevant organizations and agencies of the United Nations system to intensify their assistance in response to the urgent needs of the Palestinian people in accordance with Palestinian priorities set forth by the Palestinian Authority;
8. Urges Member States to open their markets to exports of Palestinian products on the most favourable terms, consistent with appropriate trading rules, and to implement fully existing trade and cooperation agreements;
9. Calls upon the international donor community to expedite the delivery of pledged assistance to the Palestinian people to meet their urgent needs;
10. Stresses, in this context, the importance of ensuring the free passage of aid to the Palestinian people and the free movement of persons and goods;
11. Urges the international donor community, United Nations agencies and organizations and non-governmental organizations to extend as rapidly as possible emergency economic and humanitarian assistance to the Palestinian people to counter the impact of the current crisis;
12. Stresses the need to implement the Paris Protocol on Economic Relations of 29 April 1994, fifth annex to the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed in Washington, D.C., on 28 September 1995, in particular with regard to the full and prompt clearance of Palestinian indirect tax revenues, and welcomes the progress made in this regard;
13. Suggests the convening in 2005 of a United Nations-sponsored seminar on assistance to the Palestinian people;
14. Requests the Secretary-General to submit a report to the General Assembly at its sixtieth session, through the Economic and Social Council, on the implementation of the present resolution, containing:

(a) An assessment of the assistance actually received by the Palestinian people;
(b) An assessment of the needs still unmet and specific proposals for responding effectively to them;
15. Decides to include in the provisional agenda of its sixtieth session the sub-item entitled “Assistance to the Palestinian people”.

UNRWA

In 2004, the United Nations Relief and Works Agency for Palestine Refugees in the Near East continued to provide vital education, health and relief and social services to an ever-growing refugee population, despite a severe budget deficit and a cash flow crisis.

As at 30 June, almost 4 million refugees were registered with UNRWA, an increase of 2.56 per cent over the 2003 figure of 4.08 million. Approximately 68 per cent of the registered refugee population was living outside the 50 officially recognized refugee camps. The largest refugee population was registered in Jordan (42 per cent of the Agency-wide total), followed by the Gaza Strip (22.41 per cent), the West Bank (16.13 per cent), the Syrian Arab Republic (9.98 per cent) and Lebanon (9.48 per cent). Of those registered, 43.54 per cent were 19 years of age or under.

In his annual report on the work of the Agency from 1 July 2003 to 30 June 2004 (A/59/13), the UNRWA Commissioner-General said that the reporting period was characterized by the continuation of conditions of strife in the Occupied Palestinian Territory. UNRWA recognized the right and duty of Israel to protect its citizens, but that did not affect Israel’s obligations under international humanitarian law, which prohibited, among other things, disproportionate military responses, the killing of innocent civilians and collective punishment. The large-scale military operations undertaken by Israeli Defence Forces (IDF) caused heavy loss of life and widespread damage to and destruction of Palestinian property and infrastructure. The number of suicide bombings inside Israel decreased significantly, while rocket and mortar attacks from the Gaza Strip on targets within Israel and against settlements and IDF positions within the Gaza Strip continued. Military incursions into refugee

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camps were particularly extensive during the reporting period, which was characterized by a dramatic increase in shelter and home demolition.

The severe economic depression that the Palestinian economy had been experiencing since September 2000 continued unabated. According to the World Bank, unemployment remained at over 25 per cent, and real wages declined by 2.6 per cent. The resumption of tax revenue transfers from Israel to the PA provided a one-time boost to the Palestinian economy; nevertheless, Palestinian per capita income remained 35 per cent lower than its pre-intifada level. As a result, over half the Palestinian population continued to live below the poverty line.

During the reporting period, 34 UNRWA staff members were detained by Israeli authorities, and the Agency was refused access to detained staff members. Despite assurances to the contrary, the Israeli Foreign Ministry had yet to follow up on any of UNRWA’s requests for official information and documents concerning the charges against those staff members, or the status of legal proceedings, convictions or appeals.

The environment in which UNRWA carried out its operations in the Occupied Palestinian Territory continued to affect negatively its ability to deliver services. Among UNRWA buildings damaged and equipment destroyed by the conflict were school buildings, training centres and health-care facilities. Closures and checkpoint delays prevented schools from operating normally as large numbers of teachers and students could not reach their schools or return to their homes. Office workers, doctors and nurses could not reach their places of work, trucks carrying humanitarian supplies could not reach their destinations, ambulances were delayed or prevented from moving patients needing urgent treatment, and UNRWA school buildings were taken over by Israeli forces and used as bases and detention centres. There were also a few instances where Palestinian militants entered UNRWA premises. In the West Bank, IDF military operations, including curfews and closed military zones, adversely impacted UNRWA’s ability to carry out its humanitarian functions in support of Palestine refugees. In Gaza, the external closures imposed on the area and the internal closures that effectively bisected or trisected the Strip for significant periods of time led to disruption in the delivery of UNRWA humanitarian supplies.

The largest activity of UNRWA’s extensive emergency assistance programme for refugees affected by the conflict was the provision of food aid to over 1.3 million refugees. Owing to insufficient funding, UNRWA was forced to curtail provision of remedial education to its pupils and psychological counselling to children and adults. The Agency provided temporary accommodation and emergency assistance to refugees whose shelters were destroyed. In the West Bank, the implementation of the Jenin camp reconstruction project neared completion. Meanwhile, the destruction of shelter in Gaza increased significantly, necessitating the expansion of reconstruction and rehousing programmes there.

During the reporting period, two appeals for assistance from the international community to fund the Agency’s emergency programmes were launched for the second half of 2003 ($102.8 million) and for 2004 ($193.6 million). The international community’s response to those appeals gradually decreased as the crisis entered its fourth year and other world crises diverted donors’ attention. In 2003, contributions covered 47 per cent of the needs documented in UNRWA appeals, while the proportion for 2004 stood at 32 per cent as at 30 June 2004.

Advisory Commission. By a 30 September letter to the Commissioner-General, which was included in his annual report [A/59/13], the Chairperson of the Advisory Commission of UNRWA noted with concern the continuing deterioration in the political, economic and social situation in the Occupied Palestinian Territory, including the escalation of armed attacks during the reporting period. The humanitarian crisis was evidenced primarily by high levels of poverty, deteriorating health conditions, the displacement of an increasing number of Palestinians following the destruction of their homes, and the increasing exhaustion of the capacity of the Palestinian population to sustain itself in the face of the decline in economic and social conditions since September 2000. He noted that the Agency had launched appeals totalling $209.4 million for 2004, though the international community’s level of response stagnated, in that as at mid-September only $89.5 million had been pledged and $82.9 million actually received. The Commission underscored the need for a growing level of contributions to the Agency’s regular budget.


Projects
During 2003/04, project funding enabled UNRWA to complete the construction of four
schools and one health centre, among other con-
struction projects, and the rehabilitation/con-
struction of 259 shelters. Several environmental
health projects were also completed, in particular
the construction of facilities to improve the water
supply and sewerage systems. Project funding
helped to sustain regular Agency programmes
through the upgrading of facilities and the intro-
duction of courses at several of UNRWA’s voca-
tional training centres, the operations support
programme in the West Bank and Gaza and the
provision of medical supplies. During the report-
ing period, UNRWA received new pledges for proj-
jects in the amount of $24.6 million. Of the new
funding, $9.5 million (39 per cent) was allocated
to the relief and social services sector, $3.4 mil-
lion to the health sector, $3.4 million to the edu-
cation sector and $3.8 million to other projects,
while $4.5 million had not been allocated. Proj-
jects in the Occupied Palestinian Territory re-
ceived $7.2 million, those in Syria $6.3 million,
Lebanon $3.2 million and Jordan $0.4 million.
Agency-wide activities received $7.5 million. The
Peace Implementation Programme, established
in 1995 [YUN 1993, p. 560] to fund extrabudgetary
activities within the Agency’s major service areas
and later merged under the projects’ budget
[YUN 2000, p. 450], enabled UNRWA, among other
things, to complete the construction of 20 addi-
tional classrooms.

Emergency appeals
UNRWA continued its programme of emer-
gency assistance, focusing on food aid, emerg-
ency employment creation, shelter repair and
rebuilding, cash assistance, health and educa-
tion. During the reporting period, UNRWA
launched three appeals. A six-month appeal was
launched in June 2003 for $102.9 million, cover-
ing July-December 2003 ($53.3 million received
as at 30 June 2004), followed by a year-long ap-
peal for 2004 for $193.6 million ($55.9 million re-
ceived). In May 2004, the destruction wrought by
the Israeli military operation in the city of Rafah
in Gaza led to a supplementary appeal for that
area for $15.8 million ($4.4 million received).
Owing to a lack of funds, the Agency was forced
to set new priorities for its emergency appeal to
focus primarily on food aid, emergency employ-
ment creation and cash assistance, and to reduce
the number of beneficiaries receiving food par-
cels in the West Bank, as well as the caloric value
of rations in the West Bank and Gaza. Further-
more, UNRWA was unable to rebuild approxi-
amately 1,500 shelters that had been destroyed by
IDF since the intifada began in September 2000.
With the available emergency appeal funds,
UNRWA rebuilt or repaired a total of 735 shelters
in Gaza and 366 in the West Bank, and it pro-
vided 19,550 short-term jobs for Palestine
refugees and created 1,595,604 job-days either
through direct hire or community-based con-
struction projects. Food distribution continued,
targeting 128,000 families in the Gaza Strip and
94,294 in the West Bank.

Geneva conference
UNRWA, together with the Swiss Government,
co-hosted its first major international conference
(Geneva, 7-8 June) since its inception, entitled
“Meeting the Humanitarian Needs of the Palestine
Refugees in the Near East: Building Partnerships in Support of UNRWA”. The Agency
stressed the need for increased mutual engage-
ment between itself and the international com-
munity, including greater support for UNRWA to
keep up with the increasing needs of a growing
refugee population, and to upgrade UNRWA serv-
ces and rehabilitate infrastructure. The confer-
ence identified numerous areas where a stronger
and more substantive tripartite partnership
among donors, host countries and UNRWA could
lead to improvements in the responsiveness, ef-
ectiveness and efficiency of the Agency’s opera-
tions in providing services to the refugees. A
structural linkage was set between the conference
and UNRWA’s future planning process to ensure
that the recommendations from the conference
would be reflected in the Agency’s medium-term
plan for 2005-2009 and in its budget preparation
processes.

Major service areas
UNRWA continued to implement its regular
programme, providing education, health, social
services and microcredit assistance to Palestine
refugees throughout the occupied territories. It
also pursued internal management reform, with
a view to enhancing its overall efficiency and
effectiveness.

UNRWA’s education programme was its largest
activity, consisting of 658 schools that provided
basic and preparatory education to approxi-
mately 400,000 pupils, five secondary schools in
Lebanon, eight vocational training centres and
three teacher training colleges. The schools fol-
lowed the national curricula of the host countries
in each of UNRWA’s five fields of operations. As a
result, UNRWA was required to implement im-
provements to the curriculum introduced by the
host country authorities. However, because of its
precarious financial situation, UNRWA was strug-
gling to keep pace with such developments,
which included the introduction of a tenth year
in basic education in the Occupied Palestinian
UNRWA's university scholarship programme was discontinued owing to financial constraints. Despite the financial challenges, UNRWA's Education Department continued to implement reform and improvement of internal processes, as well as specific projects, such as the computer information technology initiative. UNRWA continued to introduce secondary schooling in Lebanon as a result of restrictions in access for Palestine refugees to the Lebanese public education system. In the West Bank and Gaza Strip, operations were severely hampered by the ongoing crisis. Israeli military action left 29 pupils dead and 147 injured in the reporting period.

Technical supervision of UNRWA's health programme was provided by the World Health Organization, which also supplied the services of senior management staff and short-term consultants, as well as technical publications. UNRWA focused on sustaining adequate levels of investment in primary health care, with special emphasis on maternal and child health and disease prevention and control, enhancing the process of institutional capacity-building and developing its human resources. Management reforms led to the introduction of new systems relating to health information, hospital management and drug supply management. The situation in the Occupied Palestinian Territory caused a significant deterioration of the refugees' health. Studies documented the increasing prevalence of acute and chronic malnutrition as well as iron-deficiency anaemia and low birth weight. Studies also warned of breakdowns in preventive services to women and children owing to closures and curfews, resulting in fewer infants completing immunizations on schedule. In Lebanon, UNRWA strengthened its cooperation with the Palestinian Red Crescent Society facilities, providing cost-effective secondary health care to refugees unable to afford the cost of private hospitalization. The Agency also continued its environmental health services in refugee camps throughout its areas of operation, introducing and/or improving sewage disposal, storm water drainage, provision of safe drinking water and refuse collection.

UNRWA's relief and social services programme addressed the needs of the most vulnerable among the refugee population and sought to reduce poverty. It fostered community-based organizations with a special focus on women, children and youth, as well as physically/mentally challenged refugees. UNRWA's special hardship programme was in increasing demand owing to the difficult socio-economic situation in Jordan. Shelter rehabilitation continued insomuch as extra-budgetary funding was forthcoming. Funding by Governments and the provision of land by the host authority enabled UNRWA to implement housing projects in Gaza, following large-scale destruction of refugee shelters.

UNRWA continued to promote income-generation activities on two levels—in the overall context of its relief and social services programme, and as a commercial, self-sustaining and market-oriented microfinance and microenterprise programme. The latter programme expanded its operations in Jordan and the Syrian Arab Republic. It provided 15,740 loans worth $12.34 million in the region. That programme came under great strain owing to the severe decline in economic conditions in the Occupied Palestinian Territory since October 2000; nevertheless, it was returned to financial self-sufficiency.

**GENERAL ASSEMBLY ACTION**

On 10 December [meeting 71], the General Assembly, on the recommendation of the Fourth Committee [A/59/470], adopted resolution 59/117 by recorded vote (167-1-11) [agenda item 75].

**Assistance to Palestine refugees**

The General Assembly,
Recalling its resolution 194(III) of 11 December 1948 and all its subsequent resolutions on the question, including resolution 58/91 of 9 December 2003,
Recalling also its resolution 302(IV) of 8 December 1949, by which, inter alia, it established the United Nations Relief and Works Agency for Palestine Refugees in the Near East,
Recalling further relevant Security Council resolutions,
Aware of the fact that, for more than five decades, the Palestine refugees have suffered from the loss of their homes, lands and means of livelihood,
Affirming the imperative of resolving the problem of the Palestine refugees for the achievement of justice and for the achievement of lasting peace in the region,
Recalling also resolution 58/111 of 12 December 2003, which, inter alia, reaffirmed the commitment of the international community to the early and lasting achievement of a just and comprehensive resolution of the Palestinian question, including the establishment of a Palestinian state, and to the implementation of Security Council resolutions regarding the Palestinian refugees in the fields of education, health and relief and social services,
Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 2003 to 30 June 2004,
Aware of the continuing needs of the Palestine refugees throughout all the fields of operation, namely Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory,
Expressing grave concern at the especially difficult situation of the Palestine refugees under occupation, including with regard to their safety, well-being and living conditions, and the continuous deterioration of those conditions during the recent period,
Noting the signing of the Declaration of Principles on Interim Self-Government Arrangements on 13 September 1993 by the Government of Israel and the Palestinian Liberation Organization and the subsequent implementation agreements, 

Aware of the important role to be played in the peace process by the Multilateral Working Group on Refugees of the Middle East peace process, 

1. Notes with regret that repatriation or compensation of the refugees, as provided for in paragraph II of General Assembly resolution 194 (III), has not yet been effected and that, therefore, the situation of the Palestine refugees continues to be a matter of grave concern; 

2. Also notes with regret that the United Nations Conciliation Commission for Palestine has been unable to find a means of achieving progress in the implementation of paragraph II of General Assembly resolution 194 (III) and requests the Conciliation Commission to exert continued efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but no later than 1 September 2005;

3. Affirms the necessity for the continuation of the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the importance of its operation and its services for the well-being of the Palestinian refugees and for the stability of the region, pending the resolution of the question of the Palestine refugees; 

4. Calls upon all donors to continue to make the most generous efforts possible to meet the anticipated needs of the Agency, including those mentioned in recent emergency appeals; 

5. Decides to extend the mandate of the Agency until 30 June 2008, without prejudice to the provisions of paragraph II of General Assembly resolution 194 (III).

RECORDED VOTE ON RESOLUTION 59/177:

In favour: Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherland, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel.


The Assembly, also on 10 December [meeting 71] and on the Fourth Committee’s recommendation, [A/59/470], adopted resolution 59/119 by recorded vote (163-6-7) [agenda item 75].

Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

The General Assembly, recalling its resolutions 194 (III) of 11 December 1948, 212 (III) of 19 November 1948, 302 (IV) of 8 December 1949 and all subsequent related resolutions, including resolution 58/95 of 9 December 2003,

Recalling also the relevant Security Council resolutions,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 2003 to 30 June 2004,

Taking note of the letter dated 30 September 2004 from the Chairperson of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East addressed to the Commissioner-General,

Deeply concerned about the continuing critical financial situation of the Agency and its effect on the continuing provision of necessary Agency services to the Palestine refugees, including its emergency-related and development programmes,

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

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

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

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

Gravely concerned about the increased suffering of the Palestinian refugees, including that resulting from loss of life, injury and extensive destruction and damage to their shelters and properties, during the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem,

Expressing grave concern about the grave impact of the events that occurred in the Jenin refugee camp in April 2002, the Rafah refugee camp in May 2004 and the Jabaliya refugee camp in October 2004, including the killing of twelve Agency staff members

Aware of the extraordinary efforts being undertaken by the Agency for the repair or rebuilding of thousands of damaged or destroyed refugee shelters,

Aware also of the valuable work done by the refugee affairs officers of the Agency in providing protection to the Palestinian people, in particular Palestinian refugees,

Gravely concerned about the endangerment of the safety of the Agency’s staff and about the damage caused to facilities of the Agency as a result of Israeli military operations during the reporting period,

Deploring the killing of twelve Agency staff members by the Israeli occupying forces since September 2000,

Deploring also the killing and wounding of children in the Agency’s schools by the Israeli occupying forces,
Expressions deep concern about the continuing policies of closure and severe restrictions, including the curfews, that have been imposed on the movement of persons and goods throughout the Occupied Palestinian Territory, including East Jerusalem, and which have had a grave impact on the socio-economic situation of the Palestinian refugees and have greatly contributed to the dire humanitarian crisis facing the Palestinian people,

Deeply concerned about the continuing imposition of restrictions on the freedom of movement of the Agency’s staff, vehicles and goods, the harassment and intimidation of the Agency’s staff and the serious accusations made against the Agency, which proved to be unfounded, all of which undermine and obstruct the Agency’s work, including its ability to provide its essential services, notably its education, health and relief and social services,

Recalling the signing, on 13 September 1993, of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization and the subsequent implementation agreements,

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

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

1. Expresses its appreciation to the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as to all of the staff of the Agency, for their tireless efforts and valuable work, particularly in the light of the increasingly difficult conditions during the past year;

2. Also expresses its appreciation to the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and requests it to continue its efforts and to keep the General Assembly informed of its activities, including the full implementation of Assembly decision 48/417 of 10 December 1993;

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

4. Commends the continuing efforts of the Commissioner-General to increase the budgetary transparency and efficiency of the Agency, as reflected in the Agency’s programme budget for the biennium 2004-2005;

5. Acknowledges the support provided by the host Governments to the Agency in the discharge of its duties;

6. Welcomes the convening, on 7 and 8 June 2004, of the Geneva conference by the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the Swiss Agency for Development and Cooperation to increase support for the United Nations Relief and Works Agency;

7. Encourages the Agency’s further consideration of the needs and rights of children in its operations in accordance with the Convention on the Rights of the Child;

8. Expresses concern about the temporary relocation of the headquarters international staff of the Agency from Gaza City and the disruption of operations at the headquarters;

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

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

11. Urges the Government of Israel speedily to compensate the Agency for damage to its property and facilities resulting from actions by the Israeli side, particularly during the reporting period;

12. Calls upon Israel particularly to cease obstructing the movement of the staff, vehicles and supplies of the Agency and to cease the levying of extra fees and charges, which affect the Agency’s operations detrimentally;

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

14. Affirms that the functioning of the Agency remains essential in all fields of operation;

15. Notes the success of the Agency’s microfinance and microenterprise programme, and calls upon the Agency, in close cooperation with the relevant agencies, to continue to contribute to the development of the economic and social stability of the Palestine refugees in all fields of operation;

16. Reiterates its request to the Commissioner-General to proceed with the modernization of the archives of the Agency through the Palestine Refugee Records Project, and to indicate the progress made in this regard in his report to the General Assembly at its sixtieth session;

17. Reiterates its previous appeals to all States, specialized agencies and non-governmental organizations to continue and to augment the special allocations for grants and scholarships for higher education to Palestine refugees in addition to their contributions to the regular budget of the Agency and to contribute to the establishment of vocational training centres for Palestine refugees, and requests the Agency to act as the recipient and trustee for the special allocations for grants and scholarships;

18. Urges all States, specialized agencies and non-governmental organizations to continue and to increase their contributions to the Agency so as to ease the ongoing financial constraints, exacerbated by the current humanitarian situation on the ground, and to support the Agency’s valuable work in assisting the Palestine refugees.

RECORDED VOTE ON RESOLUTION 59/119:

In favour: Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia,
Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Grenada, Israel, Marshall Islands, Micronesia, Palau, United States.

Abstaining: Burundi, Cameroon, Côte d’Ivoire, Haiti, Honduras, Nicaragua, Papua New Guinea.

On 23 December, the Assembly decided that the agenda item on UNRWA would remain for consideration at its resumed fifty-ninth (2005) session (decision 59/352).

UNRWA financing

UNRWA ended 2003 with a positive working capital balance of $32.2 million. It was able to achieve a relatively favourable financial result owing, in part, to the positive impact of United States dollar depreciation against other currencies, with the result that UNRWA made $4 million in exchange rate gains in 2003. Working capital, defined as the difference between assets and liabilities in the regular budget for the calendar year, stood at $36.7 million as at 31 December 2002. However, $4.5 million represented funds earmarked to procure basic commodities, leaving a real positive working capital balance of $32.2 million for the cash budget. The end-of-year excess of income over expenditure of $23.5 million, minus the $10 million reserve for currency fluctuations, was added to the working capital of $18.7 million carried forward from December 2002.

UNRWA’s cash position improved during the reporting period, in part because of the reimbursement by the PA of a large amount of value-added tax (VAT) due from prior years. However, there remained outstanding cash pledges under the regular budget amounting to $8.4 million and approximately $13 million in respect of VAT due from the PA.

Working Group. The Working Group on the Financing of UNRWA held two meetings in 2004, on 7 and 15 October. In its report to the General Assembly [A/59/442], the Working Group said that, by the end of September, UNRWA faced the prospect of a funding gap in its 2004 regular cash budget of $7.3 million. Income for 2004 was expected to be $309.1 million (of which $291.7 million was income from donors, $15.9 million was from UN agencies and $1.5 million was interest income and exchange rate gains), against a net cash expenditure of $346.4 million. Furthermore, of the $291.7 million in income expected from donors for the regular budget in 2004, $270.6 million had been received by the end of September and $21.1 million was outstanding. The Agency continued to try to attract a reliable, sustainable flow of funds so as not to have to depend upon stopgap measures to meet funding needs.

The Working Group remained concerned about the increasing shortfalls in funding for its 2004 appeals. Against a total request for $209.4 million for emergency appeals during 2004, the Agency had received only $89.4 million in pledges. In addition, against a total request for $292.8 million for prior years’ emergency appeals, the Agency had received only $323.3 million in pledges. The shortfalls in emergency appeal contributions seriously curtailed the Agency’s humanitarian activities, such as food distribution, emergency employment generation programmes, trauma counselling and other emergency health activities. UNRWA’s budget requirements for the 2004-2005 biennium were estimated at $805 million, compared with $791.7 million for 2002-2003.

The Working Group said that the problem of the refugees was deeply rooted in a political issue that originated more than half a century earlier, and that it remained essential to settle that problem once and for all in accordance with all relevant UN resolutions. The problems faced by the refugees were, however, humanitarian ones that needed to be addressed as a shared international responsibility. The services provided by UNRWA should be viewed as the minimum required to enable the refugees to lead productive lives. Any further reduction in those services would not only unfairly deprive the refugees of the minimum level of support to which they were entitled, but could also have a destabilizing effect on the entire region.

Displaced persons

In a July report [A/59/134] on compliance with General Assembly resolution 56/92 [YUN 2003, p. 341], which called for accelerated return of all persons displaced as a result of the June 1967 and subsequent hostilities to their homes or former places of residence in the territories occupied by Israel since 1967, the Secretary-General said that,
since UNRWA was not involved in arrangements for the return of either refugees or displaced persons not registered with it, the Agency’s information was based on requests by returning registered refugees for the transfer of their entitlements to their areas of return. Displaced refugees known by UNRWA to have returned to the West Bank and Gaza Strip since 1967 totalled about 24,600. As far as UNRWA knew, between 1 July 2003 and 30 June 2004, 550 registered refugees had returned to the West Bank and 148 to Gaza from places outside the occupied territory. Some of those refugees might not have been displaced since 1967, but were possibly family members of a displaced registered refugee.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 71], the General Assembly, on the recommendation of the Fourth Committee (A/59/470), adopted resolution 59/118 by recorded vote (162-6-9) [agenda item 75].

Persons displaced as a result of the June 1967 and subsequent hostilities

The General Assembly,

Recalling its resolutions 229(ES-V) of 4 July 1967, 2341 B (XXII) of 19 December 1967 and all subsequent related resolutions,

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

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 58/92 of 9 December 2003,

Taking note also of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 2003 to 30 June 2004,

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

Taking note of the relevant provisions of the Declaration of Principles on Interim Self-Government Arrangements of 1993 with regard to the modalities for the admission of persons displaced in 1967, and concerned that the process agreed upon has not yet been effected,

1. Requests the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly before its sixtieth session on the progress made with regard to the implementation of the present resolution.

PROPERTY RIGHTS

In response to General Assembly resolution 58/94 [YUN 2003, p. 34], the Secretary-General submitted an August report [A/59/279] on steps taken to protect and administer Arab property, assets and property rights in Israel, and establish a fund for income derived therefrom, on behalf of the rightful owners. He indicated that he had transmitted the resolution to Israel and all other Member States, requesting information on any steps taken or envisaged to implement it. The report also detailed replies received from six Member States, including Israel, covering various aspects of Assembly resolutions 58/91 to 58/95 [YUN 2003, pp. 509-514] pertaining to assistance to Palestine refugees. In its reply, Israel said that it supported UNRWA’s humanitarian mission and recognized its contribution to the welfare of Palestinian refugees. It was concerned, however, about what it regarded as the politicization of UNRWA operations and the need to take account of the campaign of terror being waged against Israel’s citizens. Israel urged UNRWA to draw at-
tention to the misuse of refugee camps by armed elements in violation of international law.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 71], the General Assembly, on the recommendation of the Fourth Committee [A/59/470], adopted resolution 59/120 by recorded vote (161-6-9) [agenda item 75].

Palestine refugees’ properties and their revenues

The General Assembly,

Recalling its resolutions 194(III) of 11 December 1948, 36/140 C of 16 December 1981 and all its subsequent resolutions on the question,

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 58/94 of 9 December 2003,

Taking note also of the report of the United Nations Conciliation Commission for Palestine for the period from 1 September 2003 to 31 August 2004,

Recalling that the Universal Declaration of Human Rights and the principles of international law uphold the principle that no one shall be arbitrarily deprived of his or her property,

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

Expressing his appreciation for the work done to preserve and modernize the existing records, including the land records, of the Conciliation Commission and the importance of such records for a just resolution of the land records, of the Conciliation Commission and the Government of Israel agreed, in the December 1950, in which it directed the Conciliation Commission, in consultation with the parties concerned, to prescribe measures for the protection of the rights, property and interests of the Palestine refugees,

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

Taking note also of the report of the Secretary-General submitted in pursuance of its resolution 58/94 of 9 December 2003,

Recalling its resolutions 194(III) of 11 December 1948, 36/140 C of 16 December 1981 and all its subsequent resolutions on the question,

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 58/94 of 9 December 2003,

Recalling the Universal Declaration of Human Rights and the principles of international law uphold the principle that no one shall be arbitrarily deprived of his or her property,

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

Expressing its appreciation for the work done to preserve and modernize the existing records, including the land records, of the Conciliation Commission and the importance of such records for a just resolution of the plumage of the Palestinian refugees in conformity with resolution 194(III),

Recalling that, within the framework of the Middle East peace process, the Palestine Liberation Organization and the Government of Israel agreed, in the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1995, to commence negotiations on permanent status issues, including the important issue of the refugees,

1. Reaffirms that the Palestinian refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of equity and justice;
2. Requests the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection of Arab property, assets and property rights in Israel;
3. Calls once again upon Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;
4. Calls upon all the parties concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel that would assist him in the implementation of the present resolution;
5. Urges the Palestinian and Israeli sides, as agreed between them, to deal with the important issue of Palestine refugees’ properties and their revenues within the framework of the final status negotiations of the Middle East peace process;
6. Requests the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 59/120:

In favour: Afghanistan, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Grenada, Israel, Marshall Islands, Micronesia, Palau, United States.

Abstaining: Cameroon, Côte d’Ivoire, Haiti, Honduras, Nauru, Papua New Guinea, Tuvalu, Uzbekistan, Vanuatu.

Peacekeeping operations

In 2004, the United Nations Truce Supervision Organization (UNTSO), originally set up to monitor the ceasefire called for by the Security Council in resolution S/801 of 29 May 1948 [YUN 1947-48, p. 427] in newly partitioned Palestine, continued its work. UNTSO’s unarmed military observers fulfilled evolving mandates—from supervising the original four armistice agreements between Israel and its neighbours (Egypt, Jordan, Lebanon, Syrian Arab Republic) to observing and monitoring other ceasefires, as well as performing a number of additional tasks. During the year, UNTSO personnel worked with the two remaining UN peacekeeping forces in the Middle East—the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights and the United Nations Interim Force in Lebanon (UNIFIL).

On 5 October [2004/809], the Secretary-General informed the Council of his intention to appoint Brigadier General Clive Lilley (New Zea-
land) as the Chief of Staff of UNTSO, replacing Major General Carl Dodd (Ireland). On 8 October [S/2004/810], the Council took note of his intention.

**Lebanon**

Lebanon became a focus of international attention on 3 September 2004, when Lebanese President Emile Lahoud’s six-year term was extended for another three years by a constitutional amendment enacted by a vote in parliament. It was widely contended in Lebanon that the extension of President Lahoud’s term in office was the result of pressure by the Government of the Syrian Arab Republic. The day before, the Security Council, in resolution 1559(2004) (see p. 506), had called for free and fair presidential elections in Lebanon, the full withdrawal of foreign forces from the country and the disbanding and disarmament of militias. Lebanese Prime Minister Rafik Hariri resigned on 20 October, and was replaced by Omar Karami, who formed a new Government on 26 October. Mr. Karami’s Government was widely perceived as favourably disposed towards a Syrian presence and influence in Lebanon.

The Secretary-General appointed a Special Envoy, Terje Roed-Larsen, to oversee the resolution’s implementation. Mr. Roed-Larsen was already serving as the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General. In monthly briefings to the Security Council on the Palestine question, including East Jerusalem, Mr. Roed-Larsen and the Under-Secretary-General for Political Affairs, Kieran Prendergast, covered developments in southern Lebanon.

The paramilitary group Hizbullah continued to carry out attacks against positions of the Israel Defence Forces (IDF) in farmlands and targets inside Israel, and IDF continued to carry out attacks within Lebanon. The Shab’a farmlands had been an area of contention since the withdrawal of Israeli forces from Lebanon in 2000 [YUN 2000, p. 465]. According to the Lebanese Government, Israel’s withdrawal from southern Lebanon was incomplete, as Israeli forces continued to occupy the Shab’a farms, while Israel held the view that the area was occupied Syrian territory and thus within the purview of Security Council resolution 242(1967) [YUN 1967, p. 257] on the Israeli-Syrian conflict, and not resolution 425 (1978) [YUN 1978, p. 312], which dealt with Israel’s withdrawal from Lebanon. However, Lebanese and the Syrian Arab Republic maintained that the Shab’a farmlands were inside Lebanese territory.

The first municipal elections in southern Lebanon since the Israeli withdrawal in 2000 were held in May 2004.

Staffan de Mistura continued to act as the Secretary-General’s Personal Representative for Southern Lebanon, responsible for coordinating UN activities in the area.


In letters sent throughout the year [A/58/687-S/2004/61, A/58/687-S/2004/465, A/58/559-S/2004/990, A/59/571-S/2004/906], Israel reported attacks carried out by Hizbullah and other militias against Israeli military and civilian targets across the Blue Line. Israel also alleged that Hizbullah was supported by the Governments of Iran, Lebanon and the Syrian Arab Republic.

On 29 December [A/59/659-S/2004/1027], Iran refuted Israel’s allegations and considered them a deliberate attempt to distract the international community’s attention from Israel’s acts of aggression that aggravated the situation in the Middle East.

**Relations with Syrian Arab Republic**

On 30 August [A/58/879-S/2004/699], Lebanon informed the Secretary-General and the Security Council President of an initiative to submit to the Council a draft resolution, sponsored by France and the United States, urging the Syrian Arab Republic to withdraw its troops from Lebanon, to refrain from interfering in the Lebanese presidential elections and to cease supporting terrorist groups in Lebanon. That draft resolution, according to Lebanon, would set a dangerous precedent, for it would coincide with the forth-
coming presidential elections and, thus, could adversely affect the electoral process. The presence of Syrian troops in Lebanon was linked to the 1989 Taif Agreement and other bilateral agreements between Lebanon and Syria. That presence was under the auspices and supervision of the competent institutions in each country. No external entity was entitled to intervene with regard to its modalities or to impose changes. According to Lebanon, that presence served the common interests of the two countries. In addition, the allegation that Syria was backing terrorist organizations in Lebanon defied the truth. Syria's role in Lebanon had always been to support and strengthen the official security institutions and thereby contribute to the maintenance of security.

On 1 September [A/58/883-S/2004/706], Syria said that it rejected any discussion of the proposed draft resolution because, among other things, Lebanon itself rejected raising the issue. In addition, the issue was a domestic concern and did not constitute a threat to international peace and security; consequently, the overall question did not fall under the Council's jurisdiction.

SECURITY COUNCIL ACTION

On 2 September [meeting 5028], the Security Council adopted resolution 1559(2004) by vote (9-0-6). The draft [S/2004/707] was submitted by France, Germany, the United Kingdom and the United States.

The Security Council,
Reiterating its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized borders,
Noting the determination of Lebanon to ensure the withdrawal of all non-Lebanese forces from Lebanon,
Gravely concerned at the continued presence of armed militias in Lebanon, which prevents the Government of Lebanon from exercising its full sovereignty over all Lebanese territory,
Reaffirming the importance of the extension of the control of the Government of Lebanon over all Lebanese territory,
Mindful of the upcoming Lebanese presidential elections, and underlining the importance of free and fair elections according to Lebanese constitutional rules devised without foreign interference or influence,
1. Reaffirms its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon;
2. Calls upon all remaining foreign forces to withdraw from Lebanon;
3. Calls for the disbanding and disarmament of all Lebanese and non-Lebanese militias;
4. Supports the extension of the control of the Government of Lebanon over all Lebanese territory;
5. Declares its support for a free and fair electoral process in Lebanon's upcoming presidential elections conducted according to Lebanese constitutional rules devised without foreign interference or influence;
6. Calls upon all parties concerned to cooperate fully and urgently with the Security Council for the full implementation of the present resolution and all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon;
7. Requests that the Secretary-General report to the Council within thirty days on the implementation by the parties of the present resolution, and decides to remain actively seized of the matter.

VOTE ON RESOLUTION 1559(2004):
In favour: Angola, Benin, Chile, France, Germany, Romania, Spain, United Kingdom, United States.
Against: None.
Abstaining: Algeria, Brazil, China, Pakistan, Philippines, Russian Federation.

Speaking before the vote, the United States said that the draft resolution did not take into account the unique relations between Lebanon and Syria, for the Syrian Government had helped Lebanon to maintain security and stability within its borders. In addition, the draft dealt with a purely internal issue, the presidential electoral process under way in Lebanon as the mandate of the current President would end on 23 November. The draft text referred to support for free and fair presidential elections in Lebanon. Lebanon did not believe that an issue such as that, which was an internal matter for a Member State, had ever been discussed in the Council. Lebanon's parliamentarians had the right to take decisions pertaining to elections. Syrian troops came to Lebanon in response to the Government's legitimate request. Those troops had been redeployed many times, and their presence was invisible. They contributed to rebuffing Israel's radical and excessive actions, which continued to include totally unjustifiable and excessive acts of violence.

Speaking after the vote, the United States said that it believed that Lebanon should be allowed to determine its own future and assume control of its own territory, yet the Lebanese people were still unable to exercise their rights as a free people to make those choices as a nation. Syria had imposed its political will on Lebanon and had compelled the cabinet and the parliament to amend its Constitution and abort the electoral process by extending the term of the President by three years. It was clear that Lebanese parliamen-
tarians had been pressured, and even threatened, by Syria and its agents to make them comply. The United States supported the extension of the Lebanese Government’s control over all Lebanese territory, including southern Lebanon, as called for by the Council. The continued presence of armed Hizbullah militia elements, as well as the presence of the Syrian military and Iranian forces in Lebanon, hindered that goal. The United States believed that it was wrong for Syria to continue to maintain its forces in Lebanon and to attempt to interfere in the Lebanese electoral process.

**Report of Secretary-General (October).** In response to Council resolution 1559(2004) (see above), the Secretary-General submitted an October report on the implementation by the parties of that resolution [S/2004/777].

The Secretary-General, noting that the resolution called for the withdrawal of all remaining foreign forces from Lebanon, said that apart from UNIFIL, the only significant foreign forces deployed in Lebanon as at 30 September were Syrian. Syria had maintained forces in Lebanon since 1976. The troops were initially deployed at the request of the Lebanese President; that deployment was transformed into an Arab Deterrent Force sanctioned by the League of Arab States, at the request of the Government of Lebanon, and was joined by troops from other Arab countries. The Governments of both Lebanon and Syria had told the Secretary-General that the Syrian forces present in Lebanon—which at one point numbered 40,000, according to Lebanon—were there at the invitation of Lebanon and by mutual agreement. Specifically, they were said to be deployed pursuant to the 1989 Taif Agreement and the 1991 Syria-Lebanon Treaty of Cooperation. As far as the Secretary-General was aware, the two Governments had not, to date, concluded an agreement to determine the strength and duration of the presence of Syrian forces, as provided for in both those instruments.

The Syrian Government had informed the United Nations that, in addition to uniformed armed forces, it also stationed in Lebanon a substantial presence of non-uniformed military intelligence officials that were usual components of military units. Those officials, together with the uniformed forces, constituted the full Syrian troop strength. The Syrian military and intelligence apparatus in Lebanon had not been withdrawn as of 30 September. However, according to the two Governments, Syria had redeployed approximately 3,000 of its forces formerly deployed south of Beirut. It had not been made clear to the United Nations whether those redeployments were confined to regular troops or included non-uniformed military intelligence officers, and whether they had all returned to Syria. The Syrian Government indicated to the Secretary-General that a total of about 14,000 Syrian troops remained in Lebanon, most of whom were based near the Syrian border and not deep inside Lebanon. The Lebanese and Syrian Governments told the Secretary-General that the timing of further withdrawals would be determined by the security situation in Lebanon and the region and through the joint military committee established pursuant to the Taif Agreement. Lebanon also informed him that the fragile security situation in the region and its risks to Lebanon’s domestic stability made it difficult to set a timetable for the full withdrawal of Syrian forces. Similarly, Syria informed the Secretary-General that it could not provide him with numbers and timetables for any future withdrawal. The Lebanese Government stated that its ultimate goal was the complete withdrawal of all foreign forces from its territory, and the two Governments were discussing the nature and extent of the current deployment.

Resolution 1559(2004) also called for the disbanding and disarmament of all Lebanese and non-Lebanese militias. As at 30 September, several armed elements remained in the southern part of Lebanon. The most significant remaining armed group was Hizbullah, and UN staff on the ground had not discerned any change in the status of Hizbullah since the adoption of resolution 1559(2004). Regarding Palestinian armed groups, Lebanon assured the Secretary-General that Palestinian militants were not allowed to leave their refugee camps with weapons. UN personnel in the region indicated that Lebanon had positioned its armed forces outside the camps, apparently to enforce that policy.

As at 30 September, the Lebanese Government had not extended its control over all of its territory, as called for in resolution 1559(2004). Although Lebanon held peaceful municipal elections in the south in May (see p. 311), the area around the Blue Line remained tense. Hizbullah operations frequently violated the Blue Line. It was widely asserted that Hizbullah operations were carried out independently of Lebanese government control or sanction. More than four years after the Israeli withdrawal from southern Lebanon, movement in the region remained restricted. Hizbullah had established checkpoints throughout southern Lebanon and movements of Lebanese officials, UNIFIL personnel and diplomats were hindered at times by armed elements.

On 3 September, the day after resolution 1559(2004) was adopted, the Lebanese Chamber
of Deputies approved a law that extended President Emile Lahoud’s term by three years, ending on 23 November 2007. According to the Lebanese Government, that law was adopted in accordance with Lebanese constitutional rules. However, it was widely contended in Lebanon, and asserted by the sponsors of resolution 1559(2004), that the extension of the President’s term was the result of direct intervention by the Syrian Government. It was widely alleged in Lebanon that the Syrian military presence, including a substantial component of non-uniformed intelligence officials, afforded Syria considerable leverage over Lebanese domestic affairs, though the Lebanese and Syrian Governments denied that Syria intervened in Lebanon’s internal affairs.

Since October 2000, Israeli aircraft had regularly violated Lebanese sovereignty by flying into Lebanese airspace, at times crossing the Blue Line. They frequently penetrated deep into Lebanese territory and generated sonic booms over populated areas. Israel claimed that those overflights were carried out for security reasons. Hizbullah anti-aircraft rounds had fallen across the Blue Line into Israel, causing Israeli casualties.

The Secretary-General observed that the requirements imposed on the various parties as set out in resolution 1559(2004) had not been met. The Lebanese and Syrian Governments had assured him of their respect for the Council, and that consequently they would not contest it. The parties had provided the Secretary-General with information and had given him certain assurances. The Secretary-General had requested from the parties a timetable for their full implementation. As for the electoral process, it had been determined by the Secretary-General’s belief that Governments and leaders should not hold office beyond prescribed term limits. Lebanese public opinion appeared to be divided over such issues as the Syrian military presence in Lebanon, the constitutional situation as it related to presidential elections, and the continued existence of armed groups not under the direct control of the Government. However, many were of the view that full implementation of resolution 1559 (2004) would be in the interest not just of Lebanon, but of Syria too, and of the region and the wider international community. The Secretary-General said that it was time, 14 years after the end of hostilities and four years after the Israeli withdrawal from Lebanon, for all parties to set aside the remaining vestiges of the past. The withdrawal of foreign forces and the disbandment and disarmament of militias would, with finality, end that sad chapter of Lebanese history.

Communications (October). On 5 October [S/2004/794 & Corr.1], Lebanon said that the Secretary-General’s October report (see above) did not take into account the historical responsibility borne by Israel for pursuing a policy of destruction in Palestine, Syria and Lebanon. Lebanon reiterated that the question of the departure of Syrian troops from the country was governed by bilateral relations and agreements between Lebanon and Syria and depended on peace and defence requirements and mutual security interests. Hizbullah was an occupation resistance party to which the Lebanese provided political protection. Its resistance would come to an end with the end of the residual occupation by Israel of Lebanese territory. The extension of the Lebanese President’s term took place in accordance with the rules set out in the Lebanese Constitution and it was the rule of the majority that determined the results.

Syria, on 6 October [S/2004/796], said that the Lebanese and Syrian Governments could decide to redeploy Syrian forces within Lebanon in case of need, and, following the decision of the joint Lebanese-Syrian military committee, Syrian troops were redeployed for a fifth time. In Syria’s view, the real cause of the troubled situation in the region was the absence of a just and comprehensive peace, owing to Israel’s defiance of the UN Charter, refusal to implement relevant Council resolutions and continuing violations of the Geneva Conventions in the Occupied Palestinian Territory.

On 1 October [A/59/425-S/2004/808], Turkey transmitted to the Secretary-General the final communiqué of the annual coordination meeting of the Foreign Ministers of the States members of the Organization of the Islamic Conference (New York, 28 September). The Ministers supported Lebanon in its efforts to complete the liberation of all its remaining territories under Israeli occupation and urged the United Nations to compel Israel to pay reparations for all the losses it had inflicted as a result of its aggression against Lebanon. They reaffirmed the right of Palestine refugees to return to their homes and rejected settling them in Lebanon.

SECURITY COUNCIL ACTION

On 19 October [meeting 5058], following consultations among Security Council members, the President made statement S/PRST/2004/36 on behalf of the Council:


The Council reiterates its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized borders.

The Council notes with concern that the requirements set out in resolution 1559(2004) have not been met, as reported by the Secretary-General. The Council urges relevant parties to implement fully all provisions of that resolution, and welcomes the Secretary-General’s readiness to assist the parties in this regard.

The Council appreciates the intention of the Secretary-General to keep the Council updated. It requests that he continue to report to the Council on the implementation of the resolution every six months.

Appointment. In a 14 December letter to the Council President [S/2004/971], the Secretary-General said he had decided to appoint Terje Roed-Larsen (Norway) as his Special Envoy for the implementation of Council resolution 1559 (2004) at the level of Under-Secretary-General. On 16 December [S/2004/975], the Council took note of the Secretary-General’s intention.

UNIFIL

In 2004, the United Nations Interim Force in Lebanon continued to discharge its mandate by observing, monitoring and reporting on developments in its area of operation. The Security Council twice extended UNIFIL’s mandate in 2004, in January and in July, each time for a six-month period.

UNIFIL, established by Council resolution 425(1978) following Israel’s invasion of Lebanon [YUN 1978, p. 296], was originally entrusted with confirming the withdrawal of Israeli forces, restoring international peace and security, and assisting Lebanon in regaining authority in southern Lebanon. Following a second invasion in 1982 [YUN 1982, p. 428], the Council, in resolution 511(1982) [ibid., p. 450], authorized the Force to carry out the additional task of providing protection and humanitarian assistance to the local population. With the withdrawal of IDF from Lebanon in June 2000 [YUN 2000, p. 465], UNIFIL’s operational role changed. A reinforcement was initiated to enable UNIFIL to monitor Israeli withdrawal, which included extending its operations into those territories previously occupied by IDF [ibid.]. In 2001, having fulfilled those responsibilities, UNIFIL began a reconfiguration and redeployment phase [YUN 2001, p. 453], which was completed in December 2002 [YUN 2002, p. 478].

The Force headquarters, based in Naqoura, provided command and control, and liaison with Lebanon and Israel, UNDOF, UNTSO and a number of NGOs.

Composition and deployment

As at 31 December 2004, UNIFIL comprised 2,004 troops from France (204), Ghana (652), India (650), Ireland (5), Italy (54), Poland (238) and Ukraine (198). The Force was assisted in its tasks by 51 UNTSO military observers. It employed 407 civilian staff, of whom 104 were recruited internationally and 303 locally. On 26 January [S/2004/69], the Security Council took note of the Secretary-General’s intention [S/2004/68] to appoint Major General Alain Pellegrini (France) as Force Commander to replace Major General Lalit Mohan Tewari (India), who would complete his tour of duty on 17 February.

Since UNIFIL’s establishment, 246 members had lost their lives: 79 as a result of firings or bomb explosions, 105 in accidents and 62 from other causes.

Activities

Report of Secretary-General (January). In a report on developments from 24 July 2003 to 19 January 2004 in the UNIFIL area of operations [S/2004/50], the Secretary-General said that the situation on the ground was marked by numerous incidents threatening the stability of southern Lebanon, including renewed exchanges of fire in the Shab’a farms area and attacks across the Blue Line. UNIFIL remained focused on maintaining the ceasefire through mobile and air patrols along the Blue Line, observation from fixed positions and contact with the parties.

The Secretary-General expressed concern at Israel’s persistent air violations of sovereign Lebanese territory. Hizbullah’s firing of anti-aircraft rounds across the Blue Line was also a violation. Israel’s air strikes against Hizbullah positions added a serious new dimension to the cycle. He added that Lebanon had demonstrated its capacity to exercise its authority throughout southern Lebanon, particularly through the activities of the Joint Security Forces and the Lebanese Army during periods of heightened regional and local tension. He urged Lebanon to exert control over the use of force on its entire territory to prevent all attacks across the Blue Line. The Secretary-General recommended that the Force’s mandate be extended for another six months, until 31 July 2004.

By a 14 January letter [S/2004/35], Lebanon requested that UNIFIL’s mandate, due to expire at
the end of the month, be extended for six months.

SECURITY COUNCIL ACTION (January)


The Security Council,


Recalling also the letter dated 18 May 2001 from the President of the Security Council to the Secretary-General,

Recalling further the conclusion of the Secretary-General that, as of 16 June 2000, Israel had withdrawn its forces from Lebanon in accordance with resolution 425(1978) and met the requirements defined in the report of the Secretary-General of 22 May 2000, as well as the conclusion of the Secretary-General that the United Nations Interim Force in Lebanon had essentially completed two of the three parts of its mandate, focusing now on the remaining task of restoring international peace and security,

Emphasizing the interim nature of the Force,

Recalling its resolution 1308(2000) of 17 July 2000,

Recalling also its resolution 1325(2000) of 31 October 2000,

Recalling further the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994,

Responding to the request of the Government of Lebanon, as stated in the letter dated 14 January 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Expressing its concern over the tensions and potential for escalation as noted in the report of the Secretary-General of 20 January 2004,

Endorses the report of the Secretary-General of 20 January 2004 on the United Nations Interim Force in Lebanon, and in particular its recommendation to renew the mandate of the Force for a further period of six months;

Decides to extend the present mandate until 31 July 2004;

Reiterates its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

Encourages the Government of Lebanon to continue efforts to ensure the return of its effective authority throughout the south, including the deployment of Lebanese armed forces, stresses the importance of the Government of Lebanon continuing to extend those measures, and calls upon the Government of Lebanon to do its utmost to ensure a calm environment throughout the south, including along the Blue Line;

Calls upon the parties to ensure that the Force is accorded full freedom of movement in the discharge of its mandate throughout its area of operation as outlined in the report of the Secretary-General;

Reiterates its call upon the parties to continue to fulfill the commitments they have given to respect fully the withdrawal line identified by the United Nations, as set out in the report of the Secretary-General of 16 June 2000, to exercise the utmost restraint and to cooperate fully with the United Nations and the Force;

Condemns all acts of violence, expresses great concern about the serious breaches and the sea, land and continuing air violations of the withdrawal line, and urges the parties to put an end to these violations, to refrain from any act or provocation that could further escalate the tension and to abide scrupulously by their obligation to respect the safety of personnel of the Force and other United Nations personnel;

Supports the continued efforts of the Force to maintain the ceasefire along the withdrawal line through mobile patrols and observation from fixed positions and through close contacts with the parties to correct violations, resolve incidents and prevent the escalation thereof;

Welcomes the continued contribution of the Force to operational demining, applauds the progress in demining efforts noted by the Secretary-General in his report, encourages further assistance in mine action by the United Nations to the Government of Lebanon in support of both the continued development of its national mine action capacity and emergency demining activities in the south, commends donor countries for supporting these efforts through financial and in-kind contributions and encourages further international contributions, takes note of the communication to the Government of Lebanon and the Force of maps and information on the location of mines, and stresses the necessity to provide the Government of Lebanon and the Force with any additional maps and records on the location of mines;

Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report thereon to the Council before the end of the present mandate as well as on the activities of the Force and the tasks presently carried out by the United Nations Truce Supervision Organization;

Looks forward to the early fulfilment of the mandate of the Force;

Stresses the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions, including its resolution 242(1967) of 22 November 1967 and 338(1973) of 22 October 1973.

By a 30 January letter [A/58/698-S/2004/81], Lebanon welcomed the renewal of UNIFIL’s mandate.

Report of Secretary-General (July). In response to resolution 1525(2004) (above), the Secretary-General submitted a July report on UNIFIL covering 21 January to 21 July [S/2004/572 & Add.1]. He said that the situation on the ground was characterized by numerous armed encounters across the Blue Line, the majority of which
were between Hizbullah and IDF and some of which involved unknown or Palestinian actors. He described incidents which tended to set off a chain of escalating exchanges, elevating tensions for periods of several days at a time. Air strikes and shooting incidents resulted in the deaths of one Israeli soldier, one Lebanese civilian and two Palestinians. Israeli violations of Lebanese airspace continued, and on at least two occasions Hizbullah directed anti-aircraft fire towards Israeli villages. While conditions of relative stability were maintained in southern Lebanon, friction between the parties posed a threatening counterpoint. Israeli air incursions into Lebanon were on the whole less frequent than in the previous six months, although they were notable for their intensity and the large number of aircraft involved, and the number of instances of Hizbullah anti-aircraft fire dropped significantly.

The first municipal elections in southern Lebanon since the Israeli withdrawal were held on 23 May. There was high voter turnout throughout the south, and polling was conducted in an orderly manner, with no reports of intimidation or major disturbances. The elections bolstered local governing structures and marked an advance in integration of the formerly occupied zone with the rest of the country. The vast majority of seats were won by Hizbullah and the other dominant political party in the south, Amal.

The Lebanese Joint Security Force and the Lebanese Army continued to operate in the areas vacated by Israel in 2000. The strength and activity of the Joint Security Force generally remained the same, apart from an increase in activities in late March and early June, when tensions heightened, and in May during the elections. The Force also intervened on several occasions to control demonstrations and took other measures to restrict access to the technical fence. Nevertheless, the Lebanese Government maintained the position that, so long as there was no comprehensive peace with Israel, Lebanese armed forces would not be deployed along the Blue Line. Under those circumstances, Hizbullah maintained its visible presence near the Line through its mobile and fixed positions and generally refrained from interfering with UNIFIL. Israel and Hizbullah concluded an agreement, brokered by German mediators, for a prisoner exchange, which took place on 29 and 30 January.

UNIFIL provided assistance to the Lebanese civilian population in the form of medical care, water projects and equipment and services for schools, and supplied social services to the needy. It cooperated on humanitarian matters with the Lebanese authorities, UN agencies and other organizations operating in Lebanon. The presence of a large number of minefields in UNIFIL’s area of operation, largely concentrated along the Blue Line owing to comprehensive demining in other sectors, remained a serious concern. UNIFIL continued its demining activities, clearing over 800 mines and pieces of unexploded ordnance, and carried out mine-risk education for schoolchildren. In southern Lebanon, the United Nations collaborated with the Lebanese Government and various donors on landmine clearance.

The Secretary-General observed that the situation in southern Lebanon in early 2004 was replete with contradictions. While both Israel and Lebanon proclaimed their aspirations to avoid destabilization of the area, only one month passed without confrontation. Furthermore, single incidents often sparked a chain reaction of violence to which both sides contributed. Importantly, none of those events spiralled out of control, and for that the parties and UNIFIL all deserved credit. Nevertheless, the risk remained that hostile acts would escalate and lead to conflict. Further efforts were required to maintain calm in the south and to halt violations of the Blue Line. The Secretary-General recommended that the Force’s mandate be extended for another six months, until 31 January 2005.

**Communication.** On 9 July [S/2004/560], Lebanon requested that UNIFIL’s mandate be extended for six months, as a reaffirmation of the international community’s commitment to the restoration of Lebanon’s sovereignty over its entire territory.

**SECURITY COUNCIL ACTION (July)**


The Security Council,

Recalling all its resolutions on Lebanon, in particular resolutions 425(1978) and 426(1978) of 19 March 1978 and 1325(2004) of 30 January 2004 as well as the statements by its President on the situation in Lebanon, in particular the statement of 18 June 2000 (S/PRST/2000/21),

Recalling also the letter dated 18 May 2001 from the President of the Security Council to the Secretary-General,

Recalling further the conclusion of the Secretary-General that, as of 16 June 2000, Israel had withdrawn its forces from Lebanon in accordance with resolution 425(1978) and met the requirements defined in the report of the Secretary-General of 22 May 2000, as well as the conclusion of the Secretary-General that the United Nations Interim Force in Lebanon had essentially completed two of the three parts of its mandate, focusing now on the remaining task of restoring international peace and security,
Emphasizing the interim nature of the Force,
Recalling also its resolution 1325(2000) of 31 October 2000,
Recalling further the relevant principles contained in the
Convention on the Safety of United Nations and
Associated Personnel of 9 December 1994,
Responding to the request of the Government of
Lebanon to extend the mandate of the Force for a new
period of six months presented in the letter dated
9 July 2004 from the Permanent Representative of
Lebanon to the United Nations addressed to the
Secretary-General,
Expressing its concern over the tensions and potential
for escalation as noted in the report of the Secretary-
General of 21 July 2004,
1. Endorses the report of the Secretary-General of
21 July 2004 on the United Nations Interim Force in
Lebanon and in particular its recommendation to re-
new the mandate of the Force for a further period of
six months;
2. Decides to extend the present mandate until 31
January 2005;
3. Reiterates its strong support for the territorial in-
tegrity, sovereignty and political independence of Leb-
anon within its internationally recognized boundaries;
4. Encourages the Government of Lebanon to con-
tinue efforts to ensure the return of its effective
authority throughout the south, including the deploy-
ment of Lebanese armed forces, stresses the impor-
tance of the Government of Lebanon to continue to ex-
tend these measures, and calls upon the Government
of Lebanon to do its utmost to ensure a calm environ-
ment throughout the south, including along the Blue
Line;
5. Calls upon the parties to ensure that the Force is
accorded full freedom of movement in the discharge
of its mandate throughout its area of operation as out-
lined in the report of the Secretary-General;
6. Reiterates its call upon the parties to continue to
fulfill the commitments they have given to respect fully
the withdrawal line identified by the United Nations,
as set out in the report of the Secretary-General of 16
June 2000, to exercise utmost restraint and to co-
operate fully with the United Nations and the Force;
7. Condemns all acts of violence, expresses great
concern about the serious breaches and the sea, land
and continuing air violations of the withdrawal line,
and urges the parties to put an end to these violations,
to refrain from any act or provocation that could fur-
ther escalate the tension and to abide scrupulously by
the obligation to respect the safety of the personnel of
the Force and other United Nations personnel;
8. Supports the continued efforts of the Force to
maintain the ceasefire along the withdrawal line
through mobile patrols and observation from fixed po-
sitions and through close contacts with the parties to
correct violations, resolve incidents and prevent the es-
calation thereof;
9. Welcomes the continued contribution of the Force
to operational demining, applauds the successful com-
pletion of Operation Emirates Solidarity noted by the
Secretary-General in his report, encourages further assis-
tance in mine action by the United Nations to the
Government of Lebanon in support of both the con-

tued development of its national mine action capacity
and emergency demining activities in the south, com-
mends donor countries for supporting these efforts
through financial and in-kind contributions and en-
courages further international contributions, takes
note of the communication to the Government of Leb-
anon and the Force of maps and information on the lo-
cation of mines, and stresses the necessity to provide
the Government of Lebanon and the Force with any
additional maps and records on the location of mines;

10. Requests the Secretary-General to continue con-
sultations with the Government of Lebanon and other
parties directly concerned on the implementation of
the present resolution and to report thereon to the
Council before the end of the present mandate as well
as on the activities of the Force and the tasks presently
covered out by the United Nations Truce Supervision
Organization;

11. Looks forward to the early fulfilment of the man-
date of the Force;

12. Stresses the importance of, and the need to
achieve, a comprehensive, just and lasting peace in the
Middle East, based on all its relevant resolutions, in-
cluding resolutions 242(1967) of 22 November 1967

Further developments. In a report on develop-
ments during the second half of 2004 [S/2005/56],
the Secretary-General said that a relatively quiet
but tense situation prevailed in UNIFIL’s area of
operation, with a notable absence of armed ex-
changes between Hizbullah and IDF. There were
two serious violations of the Blue Line involving
rocket fire by unidentified, presumably Palestin-
ian, armed elements operating from southern
Lebanon, but no casualties resulted. Israeli air in-
cursions into Lebanese airspace continued with
little change and, in a new development, on one
occasion, Hizbullah launched a remotely piloted
aerial vehicle, or drone, that penetrated Israeli
airspace. There were, however, no instances of
Hizbullah anti-aircraft fire across the Line.
UNIFIL continued to provide assistance to the
Lebanese civilian population.

Financing
In June 2004, the General Assembly consid-
ered the performance report on UNIFIL’s budget
for 1 July 2002 to 30 June 2003 [A/58/657], sub-
mitted by the Secretary-General. Total expendi-
ture for the period amounted to $107,306,800,
compared with a total apportionment of
$112,376,000, resulting in an unencumbered bal-
cance of $4,779,200, or 4.3 per cent.

The Assembly also had before it the proposed
UNIFIL budget for 1 July 2004 to 30 June 2005
[A/58/659] in the amount of $94,741,200 and the
overview report of the financing of UN peace-
keeping operations: budget performance for the
period from 1 July 2002 to 30 June 2003 and bud-
get for the period from 1 July 2004 to 30 June
2005 [A/58/705]. Also considered were the com-

mements and recommendations of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) on the budgets [A/58/759/ Add.6].

GENERAL ASSEMBLY ACTION

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/58/828], adopted resolution 58/307 by recorded vote (131-2) (agenda item H5 (b)).

Financing of the United Nations Interim Force in Lebanon

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Interim Force in Lebanon, the related reports of the Advisory Committee on Administrative and Budgetary Questions, and the report of the Board of Auditors,

Recalling Security Council resolution 425(1978) of 19 March 1978 regarding the establishment of the United Nations Interim Force in Lebanon and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 1225(2004) of 30 January 2004,

Recalling also its resolution S-8/2 of 21 April 1978 on the financing of the Force and its subsequent resolutions thereon, the latest of which was resolution 57/325 of 18 June 2003,


Reaffirming also the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874 (S-IV) of 27 June 1963, 301(XVIII) of 11 December 1973 and 55/255 of 23 December 2000,

Noting with appreciation that voluntary contributions have been made to the Force,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Interim Force in Lebanon as at 15 April 2004, including the contributions outstanding in the amount of 77 million United States dollars, representing some 2 per cent of the total assessed contributions, notes with concern that only twenty-eight Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in Africa, to make every possible effort to ensure payment of their assessed contributions to the Force in full;

2. Expresses its appreciation to those Member States that have paid their assessed contributions in full, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full;


5. Expresses concern at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

6. Also expresses concern at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

7. Emphasizes that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

8. Also emphasizes that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

9. Reiterates its request to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Force;

10. Endorses the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, requests the Secretary-General to ensure their full implementation, and, with regard to the recommendation contained in paragraph 16 concerning the Secretary-General’s proposal to convert 45 individual special service agreements into 45 national posts, requests the Secretary-General to provide further information in order to take a decision on this question at its fifty-ninth session;

11. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

12. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Force against General Service posts, commensurate with the requirements of the Force;

13. Reiterates its request to the Secretary-General to take the measures necessary to ensure the full implementation of paragraph 8 of its resolution 51/233, paragraph 5 of its resolution 52/237, paragraph 11 of its resolution 53/227, paragraph 14 of its resolution 54/267, paragraph 14 of its resolution 55/180 A, paragraph 15 of its resolution 55/180 B, paragraph 13 of its resolution 56/214 A, paragraph 15 of its resolution 56/214 B and paragraph 14 of its resolution 57/325, stresses once again that Israel shall pay the amount of 1,177,005 dollars resulting from the incident at Qana on 18 April 1996, and requests the Secretary-General to report on this matter to the General Assembly at its resumed fifty-ninth session;

Financial performance report for the period from 1 July 2002 to 30 June 2003

14. Takes note of the report of the Secretary-General on the financial performance of the Force for the period from 1 July 2002 to 30 June 2003;
Budget estimates for the period from 1 July 2004 to 30 June 2005

15. Decides to appropriate to the Special Account for the United Nations Interim Force in Lebanon the amount of 97,804,100 dollars for the period from 1 July 2004 to 30 June 2005, inclusive of 92,960,300 dollars for the maintenance of the Force, 3,960,000 dollars for the support account for peacekeeping operations and 883,800 dollars for the United Nations Logistics Base;

Financing of the appropriation

16. Also decides to apportion among Member States the amount of 97,804,100 dollars at a monthly rate of 8,150,341 dollars, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000 and updated in its resolution 58/256 of 23 December 2003, and taking into account the scale of assessments for 2004 and 2005, as set out in its resolution 58/1 B of 23 December 2003, subject to a decision of the Security Council to extend the mandate of the Force;

17. Further decides that, in accordance with the provisions of its resolution 973(XV) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 16 above, their respective share of the unencumbered balance and other income in the total amount of 15,788,700 dollars in respect of the financial period ended 30 June 2003, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 and its resolution 57/290 A of 20 December 1992 and 51/218 A of 23 December 1996, and taking into account the scale of assessments for 1995 as set out in its resolution 46/221 A of 20 December 1991, as adjusted by the Assembly in its decision 47/450 of 23 December 1992 and its resolution 48/223 A of 23 December 1993;

18. Decides that, for Member States that have fulfilled their financial obligations to the Force, there shall be set off against their apportionment, as provided for in paragraph 16 above, their respective share of the unencumbered balance and other income in the total amount of 15,788,700 dollars in respect of the financial period ended 30 June 2003, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 and its resolution 57/290 A of 20 December 2002, and taking into account the scale of assessments for 2003, as set out in its resolutions 55/5 B of 23 December 2000 and 57/4 B of 20 December 2002;

19. Also decides that, for Member States that have not fulfilled their financial obligations to the Force, there shall be set off against their outstanding obligations their respective share of the retained surplus in the total amount of 63,312,700 dollars, representing the net accumulated surplus in the account of the Force from 1978 to 1993, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/292 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/214 of 21 December 1990, 46/194 of 20 December 1991, 47/218 A of 23 December 1992 and 51/218 B and C of 18 December 1996, and taking into account the scale of assessments for 1995 as set out in its resolution 46/221 A of 20 December 1991, as adjusted by the Assembly in its decision 47/450 of 23 December 1992 and its resolution 48/223 A of 23 December 1993;

20. Further decides that, for Member States that have not fulfilled their financial obligations to the Force, there shall be set off against their outstanding obligations their respective share of the retained surplus in the total amount of 63,312,700 dollars, in accordance with the scheme set out in paragraph 21 above;

21. Decides that, for Member States that have fulfilled their financial obligations to the Force, there shall be set off against their apportionment, as provided for in paragraph 16 above, their respective share of the retained surplus in the total amount of 63,312,709 dollars, representing the net accumulated surplus in the account of the Force from 1978 to 1993, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/292 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/214 of 21 December 1990, 46/194 of 20 December 1991, 47/218 A of 23 December 1992 and 51/218 B and C of 18 December 1996, and taking into account the scale of assessments for 1995 as set out in its resolution 46/221 A of 20 December 1991, as adjusted by the Assembly in its decision 47/450 of 23 December 1992 and its resolution 48/223 A of 23 December 1993;

22. Also decides that, for Member States that have not fulfilled their financial obligations to the Force, there shall be set off against their outstanding obligations their respective share of the retained surplus in the total amount of 63,312,709 dollars, in accordance with the scheme set out in paragraph 21 above;

23. Emphasizes that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

24. Encourages the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Force;

25. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

26. Decides to include in the provisional agenda of its fifty-ninth session, under the item entitled “Financing of the United Nations peacekeeping forces in the Middle East”, the sub-item entitled “United Nations Interim Force in Lebanon”.

The Assembly adopted the fourth preambular paragraph and operative paragraphs 3, 4 and 13 by a single recorded vote of 75 to 2, with 48 abstentions. The Committee adopted those paragraphs in the same manner, by 80 to 2, with 51 abstentions.
On 23 December, the Assembly decided that the item on the financing of UN peacekeeping forces in the Middle East would remain for consideration at its resumed fifty-ninth (2005) session (decision 59/552).

**Syrian Arab Republic**

In 2004, the General Assembly again called for Israel’s withdrawal from the Golan Heights in the Syrian Arab Republic, which it had occupied since 1967. The area was effectively annexed by Israel when it extended its laws, jurisdiction and administration to the territory towards the end of 1981 [YUN 1981, p. 309].


Israeli policies and measures affecting the human rights of the population in the Golan Heights and other occupied territories were monitored by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (Committee on Israeli Practices) and were the subject of resolutions adopted by the Commission on Human Rights (see PART TWO, Chapter III) and the Assembly.

**Communications**. In a 5 January letter [A/58/670-S/2004/1], the Syrian Arab Republic said that the Israeli Government gave its authorization for the construction of nine new settlements in the occupied Syrian Golan and for the expansion of existing Israeli settlements in that area.

Syria, in a letter of 15 March [A/58/734-S/2004/205], stated that on 4 March the Israeli occupation authorities proceeded to confiscate further territory in the occupied Syrian Golan. That confiscation came on the heels of the Israeli Government’s approval of nine new settlement units, the construction of 900 new houses and the allocation of funds for implementing the Israeli Government’s plan to increase the number of Israeli settlers in the occupied Syrian Golan. That confiscation came on the heels of the Israeli Government’s approval of nine new settlement units, the construction of 900 new houses and the allocation of funds for implementing the Israeli Government’s plan to increase the number of Israeli settlers in the occupied Syrian Golan. That confiscation came on the heels of the Israeli Government’s approval of nine new settlement units, the construction of 900 new houses and the allocation of funds for implementing the Israeli Government’s plan to increase the number of Israeli settlers in the occupied Syrian Golan.

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**Committee on Israeli Practices**. In its annual report [A/59/381], the Committee on Israeli Practices stated that it had visited Damascus, Syria, and Quneitra province, which bordered the occupied area, where it met with Syrian authorities and received information from witnesses with personal knowledge of the human rights situation in the occupied Syrian Golan. Syrian government officials emphasized that the situation continued to deteriorate and that Israel was still pursuing its policy of settlement expansion and land expropriation. The population of 44 Jewish settlements, which had 20,000 inhabitants, was expected to increase by 15,000 settlers over the next three years, following a decision by the Israeli authorities on 1 January. Authorization already had been granted for nine new settlements and for extending the existing ones, which implied further expropriation of Arab land. The laying of anti-personnel landmines continued. The Israeli authorities laid mines in 1,000 dunums of land in the Quneitra area along the Golan border strip and fenced them in with barbed wire, preventing farmers from cultivating their lands, and in the Harmon area, where trees had been uprooted. A matter of even greater concern was the burial of nuclear waste close to the Syrian border. It was feared that the nuclear waste, sealed in glass containers or reinforced cement chambers, would be affected by climatic conditions after 30 to 50 years and would start leaking depleted uranium, with a catastrophic environmental impact. Israel had refused to allow its nuclear reactors to be monitored by the International Atomic Energy Agency, and it refused to comply with relevant international conventions. Syrian Arabs in the occupied Golan had to pay taxes at higher rates than Israeli settlers for all kinds of purposes, including television licence fees, housing, income and property, and health insurance. Markets were closed to Syrian farmers as a result of the Israeli occupation, and there was a decline in agricultural production.

**Reports of Secretary-General**. On 9 September [A/59/398], the Secretary-General reported that no reply had been received from Israel to his August request for information on steps taken or envisaged to implement General Assembly resolution 58/100 [YUN 2003, p. 524], which called on
Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the Golan, and from its repressive measures against the population.

By a 12 October report [A/59/431], the Secretary-General transmitted replies received from five Member States, including Israel, in response to his request for information on steps taken or envisaged to implement Assembly resolution 58/23 [YUN 2003, p. 524], which dealt with Israeli policies in the Syrian territory occupied since 1967, and resolution 58/22 [ibid., p. 484] on the transfer by some States of their diplomatic missions to Jerusalem (see p. 473).

GENERAL ASSEMBLY ACTION

On 1 December [meeting 64], the General Assembly adopted resolution 59/33 [draft: A/59/L.40 & Add.1] by recorded vote (111-6-60) [agenda item 36].

The Syrian Golan

The General Assembly,

Having considered the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General,

Recalling Security Council resolution 497(1981) of 17 December 1981,

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force, in accordance with international law and the Charter of the United Nations,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Syrian Golan,

Deeply concerned that Israel has not withdrawn from the Syrian Golan, which has been under occupation since 1967, contrary to the relevant Security Council and General Assembly resolutions,

Stressing the illegality of the Israeli settlement construction and other activities in the occupied Syrian Golan since 1967,


Expressing grave concern over the halt in the peace process on the Syrian track, and expressing the hope that peace talks will soon resume from the point they had reached,

1. Declares that Israel has failed so far to comply with Security Council resolution 497(1981);
2. Also declares that the Israeli decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and has no validity whatsoever, as confirmed by the Security Council in its resolution 497(1981), and calls upon Israel to rescind it;
3. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention of 1907, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under those instruments in all circumstances;
4. Determines once more that the continued occupation of the Syrian Golan and its de facto annexation constitute a stumbling block in the way of achieving just, comprehensive and lasting peace in the region;
5. Calls upon Israel to resume the talks on the Syrian and Lebanese tracks and to respect the commitments and undertakings reached during the previous talks;
6. Demands once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions;
7. Calls upon all the parties concerned, the co-sponsors of the peace process and the entire international community to exert all the necessary efforts to ensure the resumption of the peace process and its success by implementing Security Council resolutions 242(1967) and 338(1973);
8. Requests the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 59/33:

In favour: Afghanistan, Algeria, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Djibouti, Domini ca, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Grenada, Israel, Marshall Islands, Micronesia, Palau, United States.

Abstaining: Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Nauru, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tonga, Ukraine, United Kingdom, Uruguay, Vanuatu.

On 10 December [meeting 71], the Assembly, under the agenda item on the report of the Committee on Israeli Practices and on the Fourth Committee’s recommendation [A/59/41], adopted resolution 59/125 by recorded vote (160-2-15) [agenda item 76].

The occupied Syrian Golan

The General Assembly,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,
Deeply concerned that the Syrian Golan, occupied since 1967, has been under continued Israeli military occupation,

Recalling Security Council resolution 497(1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the most recent of which was resolution 58/100 of 9 December 2003,

Having considered the report of the Secretary-General submitted in pursuance of resolution 58/100,

Recalling its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under international law, including the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237 (1967) of 14 June 1967,

Welcoming the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242(1967) of 22 November 1967 and 338(1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and expressing grave concern about the stalling of the peace process on all tracks,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497(1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, rescind forthwith its decision;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and from its repressive measures against the population of the occupied Syrian Golan;

5. Deplores the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. Requests the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 58/125:

In favour: Afghanistan, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, Palau.


UNDOF

The mandate of the United Nations Disengagement Observer Force, established by Security Council resolution 350(1974) [YUN 1974, p. 205] to supervise the observance of the ceasefire between Israel and the Syrian Arab Republic in the Golan Heights and ensure the separation of their forces, was renewed twice in 2004, in June and December, each time for a six-month period.

UNDOF maintained an area of separation, which was some 80 kilometres long and varied in width between approximately 12.5 kilometres in the centre to less than 400 metres in the extreme south. The area of separation was inhabited and policed by the Syrian authorities, and no military forces other than UNDOF were permitted within it.

As at 26 November, UNDOF comprised 1,039 troops from Austria (375), Canada (192), Japan (30), Poland (349), Nepal (2) and Slovakia (91). It was assisted by 77 UNTSO military observers.

Reports of Secretary-General. The Secretary-General reported to the Security Council on UNDOF activities between 9 December 2003 and 21 June 2004 [S/2004/948], and between 22 June and 7 December 2004 [S/2004/948]. Both reports noted that the UNDOF area of operation remained calm, except in the Shab’a farms area (see p. 509). UNDOF continued in 2004 to supervise the area of separation between Israeli and Syrian troops in the Golan Heights, to ensure that no military forces of either party were deployed there, by means of fixed positions and patrols. The Force, accompanied by liaison officers from the party concerned, carried out fortnightly inspections of equipment and force levels in the area of limitation. As in the past, both sides denied inspection teams access to some of their positions and imposed restrictions on the Force’s freedom of movement. Mines, especially in the area of separation, continued to pose a threat to UNDOF personnel and local inhabitants. The Force assisted the International Committee of the Red Cross with mail facilities and the passage of persons through the area of separation, and supported the United Nations Children’s Fund in mine-awareness activities.

The Secretary-General observed that the situation in the Middle East continued to be very tense and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the problem could be reached. He hoped that determined efforts would be made by all concerned to tackle the problem in all its aspects, with a view to arriving at a just and durable peace settlement, to tackle the problem in all its aspects, with a view to arriving at a just and durable peace settlement, and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the situation in the Middle East continued to be very tense and is situation in the Middle East continued to be very tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached. That statement of the Secretary-General reflects the view of the Security Council.

Financing

ACABQ’s comments and recommendations on the two December reports were contained in an April 2004 report [A/58/739/Add.1].

GENERAL ASSEMBLY ACTION

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth Committee [A/58/827], adopted resolution 58/306 without vote (agenda item H5 (a)).

Financing of the United Nations Disengagement Observer Force

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Disengagement Observer Force and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Recalling security Council resolution 550(1974) of 31 May 1974 regarding the establishment of the United Nations Disengagement Observer Force and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 1520(2003) of 22 December 2003,

Recalling also its resolution 3211 B (XXIX) of 29 November 1974 on the financing of the United Nations Emergency Force and of the United Nations Disengagement Observer Force, and its subsequent resolutions thereon, the latest of which was resolution 57/324 of 18 June 2003,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874(S-IV) of 27 June 1963, 3101(XXVIII) of 11 December 1973 and 55/255 of 23 December 2000,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Disengagement Observer Force as at 15 April 2004, including the contributions outstanding in the amount of 17.4 million United States dollars, representing some 1 per cent of the total assessed contributions, notes with concern that only thirty-eight Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;
2. Expresses its appreciation to those Member States which have paid their assessed contributions in full;
3. Expresses concern at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;
4. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full;
5. Expresses concern at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;
6. Emphasizes that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;
7. Also emphasizes that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;
8. Reiterates its request to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Force;
9. Endorses the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, except those in paragraphs 16 and 29, and requests the Secretary-General to ensure their full implementation;
10. Authorizes the Secretary-General to fund the contractual posts mentioned in paragraph 10 of his report on the budget for the Force for the period from 1 July 2004 to 30 June 2005 through general temporary assistance, without prejudice to a future discussion and decision on the proposal, and requests the Secretary-General to resubmit with full justification this request in the context of the budget proposal for the period from 1 July 2005 to 30 June 2006, taking into account the recommendation of the Advisory Committee contained in paragraph 19 of its report;
11. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;
12. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Force against General Service posts, commensurate with the requirements of the Force;

Financial performance report for the period from 1 July 2002 to 30 June 2003

13. Takes note of the report of the Secretary-General on the financial performance of the Force for the period from 1 July 2002 to 30 June 2003;

Budget estimates for the period from 1 July 2004 to 30 June 2005

14. Decides to appropriate to the Special Account for the United Nations Disengagement Observer Force the amount of 43,034,400 dollars for the period from 1 July 2004 to 30 June 2005, inclusive of 40,902,100 dollars for the maintenance of the Force, 1,742,400 dollars for the support account for peacekeeping operations and 388,900 dollars for the United Nations Logistics Base;

Financing of the appropriation

15. Decides also to apportion among Member States the amount of 43,034,400 dollars at a monthly rate of 3,586,166 dollars, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000 and updated in its resolution 58/256 of 23 December 2003, and taking into account the scale of assessments for 2004 and 2005, as set out in its resolution 58/1 B of 23 December 2003, subject to a decision of the Security Council to extend the mandate of the Force;
16. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among
Member States, as provided for in paragraph 15 above, their respective share in the Tax Equalization Fund of 1,451,700 dollars, comprising the estimated staff assessment income of 1,175,400 dollars approved for the Force, the prorated share of 254,300 dollars of the estimated staff assessment income approved for the support account and the prorated share of 22,000 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

17. Decides that, for Member States that have fulfilled their financial obligations to the Force, there shall be set off against their apportionment, as provided for in paragraph 15 above, their respective share of the unencumbered balance and other income in the total amount of 1,891,100 dollars in respect of the financial period ended 30 June 2003, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 57/236 and its resolution 57/290 A of 20 December 2002, and taking into account the scale of assessments for 2003, as set out in its resolutions 55/5 B of 23 December 2000 and 57/4 B of 20 December 2002;

18. Decides also that, for Member States that have not fulfilled their financial obligations to the Force, their respective share of the unencumbered balance and other income in the total amount of 1,891,100 dollars in respect of the financial period ended 30 June 2003 shall be set off against their outstanding obligations in accordance with the scheme set out in paragraph 17 above;

19. Decides further that the increase of 86,600 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2003 shall be added to the credits from the amount referred to in paragraphs 17 and 18 above and that the respective shares of Member States therein shall be applied in accordance with the provisions of those paragraphs, as appropriate;

20. Emphasizes that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

21. Encourages the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Force;

22. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

23. Decides to include in the provisional agenda of its fifty-ninth session, under the item entitled “Financing of the United Nations peacekeeping forces in the Middle East”, the sub-item entitled “United Nations Disengagement Observer Force”.

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